

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY - CAMDEN VICINAGE

Alyson M. Tomljenovic, Esquire

AMT (7045)

COOPER LEVENS ON APRIL NIEDELMAN & WAGENHEIM, P.A.

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File No. 47597 - 9

Attorneys for Defendants, South Jersey Sanitation Company, Inc. *and* Anthony Colarsurdo

JAVIER ALAVEZ-LOPEZ, ANTONIO
HERNANDEZ, WILLIAM TOVILLA,
ALEJANDRO CONSTANTINO, ANTONIO
GUTIERREZ, MARCO ANTONIO ORTEGA, on
behalf of themselves and those similarly situated,

Plaintiffs

vs.

SOUTH JERSEY SANITATION CO., INC.
and ANTHONY COLARSURDO,

Defendants.

Civil Action No. 1:10-cv-05647
(NLH/KMW)

**DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION FOR
SANCTIONS AND IN SUPPORT OF DEFENDANTS' REQUEST FOR COUNSEL FEES**

Return Date: March 18, 2013

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INTRODUCTION AND FACTUAL BACKGROUND

Plaintiffs' motion for spoliation sanctions and counsel fees and costs is unwarranted. As detailed below, Defendants request this court deny the instant motion and grant Defendants attorneys' fees and costs resulting from the time resources spent to respond to the same.

Initially, it was defense counsel's understanding that if a party wanted to make a discovery motion then that party should first contact the Court in order to provide the opportunity to efficiently handle any issues or conflicts that arose during the course of discovery. Plaintiffs' counsel failed to do this. Moreover, defense counsel had left the deposition of Mr. Anthony Colasurdo with the, clearly mistaken, understanding that Plaintiffs' counsel would afford defense counsel an opportunity to look into information regarding the Global Positioning Satellite ("GPS") system records, such as what relevant information these records could actually provide; in what form, if any, they can be provided, etc. Regardless, Plaintiffs' counsel, without any notification to the Court or defense counsel, filed the instant motion.

With regard to the history of discovery, Plaintiffs' First Request for Production was dated May, 12, 2011, as was their Interrogatories. Their Supplemental Request for Production is dated January 12, 2012. (See a true and accurate copy of Plaintiffs' Discovery Requests at Exhibit "A"). Incidentally, Defendant Anthony Colasurdo did advise during his deposition that the GPS System was installed sometime in 2012. He has since advised that the system was installed February 28, 2012. (See a true and accurate copy of the Certification of Anthony Colasurdo at Exhibit "B" – To be provided). Thus, despite Plaintiffs' counsel's accusations, Defendants could not have produced any records from this system "in Defendants' Rule 26 Disclosures...and [] when responding to document requests," as any such possible records did not even exist at that time.

Moreover, Defendants have not delayed discovery and have spent an enormous amount of time and resources providing Plaintiffs' counsel with all relevant documents. Defendant provided Answers to Interrogatories in September 2011. Defendants produced over one thousand documents in the form of Check Records and Employee Listings for the years 2007, 2008, 2009, 2010 and 2011 in response to Plaintiffs' First Request for Production of Documents. They have also since produced the personnel files of all Plaintiffs, as well as the weekly and daily schedules, and also the time cards for all of the drivers of the sanitations trucks, for the years 2008, 2009, 2010, 2011 and 2012, which amounted to thousands more documents. Defense counsel has deposed almost all of the named Plaintiffs. Defendants have produced Mr. Colasurdo twice to testify and Mr. Edwin Morales once. Mr. Morales deposition lasted several hours as Plaintiffs' counsel introduced the abovementioned weekly and daily schedules and drivers' timecards with respect to each Plaintiff.

By way of example, Plaintiffs' counsel selected a Plaintiff. (See true and accurate copies of excerpts of the transcript of the deposition of Edwin Morales at Exhibit "C," 82:7-11). After selecting one week, in this example the week ending February 9, 2010, counsel referred to the corresponding weekly schedule to demonstrate that, according to the same, the subject Plaintiff purportedly worked certain days in that week. (See Exhibit C, 82:11-16; see also a true and accurate copy of the Weekly Schedule for the selected week ending February 9, 2010 at Exhibit "D"). Next, Plaintiffs' counsel would attempt to establish when the Plaintiff boarded the sanitation truck in the morning, using prior testimony, and proceeded to use this as a "start time" for his calculations. (See Exhibit C, 82:17 to 83:17). The daily schedules for that week were then reviewed to determine what driver(s) the subject Plaintiff worked with on which dates. (See

Exhibit C, 83:20 to 84:1; see also a true and accurate copy of the Daily Schedules for the week ending February 9, 2010 at Exhibit “E”).

After the driver(s) was identified, the time card for the respective driver for each day of the week ending February 9, 2010 was reviewed to determine when the subject driver “clocked out” each day. (See Exhibit C, 84:12 to 87:19; see also a true and accurate copy of the drivers’ time cards for the week ending February 9, 2010 at Exhibit “F”). Plaintiff’s counsel used this time to calculate an estimated time when the subject Plaintiff may have been dropped off that same day. (See Exhibit C, 84:12 to 87:19).

ANALYSIS

The Court Should Deny Plaintiffs’ Motion for Sanctions as they have Failed to Demonstrate that Defendants Intentionally Withheld any Requested Documents

Plaintiffs have failed to meet their burden to demonstrate that Defendants intentionally withheld relevant documents or acted in bad faith. They have failed to demonstrate that the GPS records would be able to provide a “more accurate” records of Plaintiffs’ hours that would be beneficial to their clients. As such, their instant motion should be dismissed.

In Bull v. UPS, 665 F.3d 68 (3d Cir. N.J. 2012), the Third Circuit reversed the District Court’s ruling issuing sanctions against the plaintiff for spoliation of evidence, finding that the Court had been misled by misrepresentations made by opposing counsel and there was no evidence of intentional withholding of evidence by the plaintiff. 665 F.3d at 77-79. By way of background, the plaintiff in that matter brought an employment discrimination claim against her former employer as a result of their alleged treatment of her after she was injured while working. Id. at 68-71. Prior to litigation, the plaintiff had provided to her employer a copy of a doctor’s note regarding an evaluation of her physical capabilities. Ibid. At trial, the plaintiff’s counsel advised the court they no longer had the original. Id. at 71. The defense counsel stated that

they had “documented letters asking for the originals...” Ibid. After their objections were dismissed, the plaintiff advised the Court that she did have possession of the original note. Ibid. The District Court ruled her failure to produce the same was spoliation and ordered the case be dismissed with prejudice as a sanction. Id. at 71.

The Third Circuit Court found that in order to conclude that “sanctionable spoliation occurred,” they had to first find that the plaintiff intended to actually withhold the subject document from the defendant, which they could not. Id. at 79. They found that the District Court’s ruling that the plaintiff had acted intentionally was not grounded in the record, but was largely based on misrepresentations by opposing counsel. Id. at 80; 83. Specifically, the Court found that the District Court Judge had relied on the misrepresentations by opposing counsel that they had specifically sought the subject document on numerous occasions, an assertion that was not supported by the record. Id. at 74. Despite the lack of specific requests in the record, the District Court had inferred that the Plaintiff, as a result of certain arguments previously made by opposing counsel, should have known exactly what they sought. Id. at 76. The Third Circuit disagreed and argued, “[i]t is largely counsel’s role to assess which evidence best serves the case.” Ibid. Furthermore, they found it was up to opposing counsel to press for those documents which they determine they need. Ibid. The portrayal of the plaintiff as an “obstinate stonewaller” was unsubstantiated. Id. at 76.

Under Bull, the key issue was whether the discrepancy between the plaintiff’s statements was an intentional misrepresentation or simply inadvertence. Id. at 76-77. The burden to prove bad faith conduct is on the opposing party. Id. at 77. In that matter the Court found that there was no evidence that the plaintiff knew that the defendant wanted the original, as she had already

produced copies. Ibid. The Court concluded that the District Court abused its discretion in finding that the plaintiff acted in “bad faith.” Ibid.

In the instant matter, unlike the plaintiff in Bull, in this matter, Defendants did not have possession of the subject document since the inception of the matter. As mentioned above, this system was not installed until February 28, 2012. However, similar to the plaintiff in Bull, there is no evidence that opposing counsel specifically requested the now sought after documents, namely potential records from the GPS system, prior to Mr. Colasurdo’s most recent deposition. Much of discovery was completed prior to the installation of the system, as detailed above, including Plaintiffs propounding their First and Supplemental Request for Production and Interrogatories. In none of these do Plaintiffs’ attorneys make any inquiries as to a possible GPS system or its records. Additionally, during Mr. Colasurdo’s initial deposition, Plaintiffs’ counsel also failed to make any such inquiries; but rather focused on the documents Defendants did turn over at their request, namely years of daily and weekly schedules and time cards dating back to 2008. (See a true and accurate copy of the transcript of the November 9, 2012 deposition of Anthony Colasurdo at Exhibit “G”).

The failure of any and all of Plaintiffs’ attorneys to make any such request since the inception of this case is most likely evidence that it never occurred to any of them to inquire if there had been any GPS system installed on these commercial vehicles or what possible information the records from such a system could yield. These same attorneys should not now be allowed to accuse Mr. Colasurdo of not coming up with this additional idea for potentially calculating hours for them sooner. As the Third Circuit stated in Bull that is the responsibility of counsel to determine what they may need for their case and specifically request the same.

Plaintiffs' continually assert that Mr. Colasurdo testified that the GPS system "records are the most accurate" in his possession regarding hours worked by Plaintiffs; however, the Court and parties will have to wait for the transcript to examine exactly what was said and how it occurred. Regardless, even though Mr. Colasurdo is the sole owner of South Jersey Sanitation, he is not a an attorney. Any statement he may have made should viewed as an idea he had then, in an attempt to be helpful, and should be given according weight. Like the plaintiff in Bull, the is no evidence that Mr. Colasurdo should have known Plaintiffs' counsel specifically sought such records as: 1.) the system was no even installed until February 28, 2012; 2.) the system was installed on his vehicles for insurance purposes and not to somehow track the hours of the throwers; and Mr. Colasrudo already was deposed during which the documents Plaintiffs' counsel thought were relevant at the time, namely the daily and weekly schedules and times cards, which he was planning and preparing to produce.

When one actually logically looks at what information this new system could provide, one can discern that it is not provide the "most accurate" with regard to Plaintiffs' alleged hours of work. As discussed above the system was not even installed until February 28, 2012. Therefore, if it did became an issue, the system, if even possible, could only provide records regarding certain vehicles movement for the last year. Moreover, it cannot tell what individuals are on the vehicles at any point or what those on the vehicle are doing.

That said, using any potential records from the GPS System would take the same process, as well additional steps, to arrive at essentially the same calculations. Presumably, the system can monitor an individual vehicle by marking its location at various intervals. In order to use any records from this system, counsel would have to complete the same initial steps as outlined above. However, rather than looking to the daily schedule for the identification of the driver of

the truck and then going to the respective time cards, counsel would look to the daily schedule for the identification of the truck number, and then find the GPS report for that day. However, with this system, additional steps would be needed such as finding the exact location where Plaintiff would have been picked up and dropped off, possibly throughout the day, and what route(s) that truck serviced that day. Basically, using any potential records from this system would have taken the same amount of time, if not much more, and would not have been applicable to any Plaintiffs prior to February 28, 2012. Also, the same assumptions made by Plaintiffs' counsel at Mr. Morales' previous deposition would have to be made using these GPS records. Moreover, using this system would result in the needless production of thousands of additional documents, which would place an unnecessary, undue burden on Defendants.

Defendants have provided ample relevant discovery pertaining to the potential calculations of Plaintiffs' hours. There is no evidence to support Plaintiffs' counsel's allegation that Defendants or Defense counsel acted in bad faith or intentionally withheld documents. This claim is unfounded and absurd. All of the above could have been discussed prior to motion practice. A telephone conference with the Court may have save both parties the time and resources this has taken; however, instead Plaintiffs' counsel has unnecessarily engaged in costly and time consuming motion practice. As such, Defendants request that this Court not only deny Plaintiffs' motion; but grant Defendants reasonable attorneys' costs and fees for having to respond to the same.

CONCLUSION

For the foregoing reasons, it is respectfully requested that the Court deny Plaintiffs' motion for a sanctions and/or the production of documents related to Defendants' GPS system, and grant Defendants' reasonable attorneys' fees and costs for responding to the same.

Respectfully submitted,
COOPER LEVENSON APRIL
NIEDELMAN & WAGENHEIM, P.A.

By:/s/Alyson M. Tomljenovic
Alyson M. Tomljenovic
Attorney for Defendants, South Jersey Sanitation
Company, Inc. and Anthony Colarsurdo

DATED: March 4, 2013

CLAC 2040337.1

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JAVIER ALAVEZ-LOPEZ, ANTONIO
HERNANDEZ, WILLIAM TOVILLA,
ALEJANDRO CONSTANTINO, ANTONIO
GUTIERREZ, MARCO ANTONIO
ORTEGA, on behalf of themselves and those
similarly situated.

PLAINTIFFS

v.

SOUTH JERSEY SANITATION CO., INC.
and ANTHONY COLARSURDO

DEFENDANTS

CIVIL ACTION

No. 10-05647

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION DIRECTED TO
DEFENDANT SOUTH JERSEY SANITATION COMPANY, INC.**

Plaintiffs, by and through their undersigned counsel, hereby demand that Defendant South Jersey Sanitation Company, Inc. (hereinafter "Defendant") respond to the following request for production within thirty (30) days as ordered by the Court during the May 6, 2011 Rule 16 conference held in this action.

SWARTZ SWIDLER, LLC

By: s/ Joshua S. Boyette
JOSHUA S. BOYETTE

Date: May 12, 2011

INSTRUCTIONS

In responding to these Interrogatories, the following instructions shall apply:

1. Each Interrogatory must be answered separately, fully, in writing, and under oath.
2. These Interrogatories are deemed to be continuing, requiring Defendant to provide verified supplemental answers setting forth any additional information within the scope of these interrogatories as may be acquired by Defendant, its agents and attorneys. Such supplemental responses shall be served upon the undersigned counsel for Plaintiff within thirty (30) days after receipt of such information, but in no event later than the discovery cut-off date.
3. In lieu of identifying particular documents or communications, such documents or communications may, at your option, be attached to your answer to those Interrogatories requesting identification of those documents or communications.
4. A response should be made individually to each Interrogatory.
5. The full text of the Interrogatory to which the answer is intended to respond is to be restated immediately preceding such answer.
6. Use of the singular tense shall be deemed to include the plural and vice versa, and use of the masculine pronoun shall be deemed to include both genders.
7. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Interrogatories any information which might otherwise be construed to be outside their scope.
8. If any Interrogatory is not fully answered because of a claim of privilege, state the privilege asserted and the facts allegedly giving rise to the claim of privilege.

9. If Defendant cannot answer any of these Interrogatories after conducting a reasonable investigation, Defendant should so state and answer to the extent it can, stating what information Defendant cannot provide and stating what efforts Defendant made to obtain the unknown information.

DEFINITIONS

The following definitions shall apply to these Requests for Information:

A. **“Defendant,” “you,” or “your”** shall mean the defendant entity(ies) named in the caption of this action, and its predecessors, successors, and assigns, and its/their parent organizations, subsidiaries, and affiliates, and its/their servants, agents, employees, representatives, divisions, managers, accountants, and attorneys, and anyone else acting on its/their behalf, as well as any individuals named as a defendant in the caption of this action.

B. **“Communicate(d)” or “Communication”** means any act or instance of transferring, transmitting, passing, delivering or giving information, in the form of facts, ideas, inquiries, or otherwise, by oral, written, electronic, or any other means.

C. **“Concerning”** means relating to, referring to, reflecting, describing, evidencing, or constituting.

D. **“Document(s)”** shall include writings of any type, all other data compilations from which information can be obtained, and any other means of preserving thoughts or expression, however produced or reproduced. Designated documents shall mean originals in each instance (or copies thereof if originals are unavailable), regardless of origin or location, which are in the custody or control of the Defendant, or in the custody or control of Defendant’s agents, representatives, employees, or counsel, and any copies or reproductions that differ in any respect from the original, such as copies containing marginal notations or other variations.

Designated documents are to be taken as including all attachments, exhibits, enclosures, appendices, and other documents that relate to or refer to such designated documents. The enumeration of various specific items as included within the definition of the word "document" shall not be taken to limit the generality of this word, and the requests herein are directed and intended to obtain all "documents" in the broadest and most comprehensive sense and meaning of this word.

E. **"Identify"** shall mean:

- a. when referring to a natural person, to give:
 - i. the person's name;
 - ii. the present or last known home address;
 - iii. the present or last known home telephone number;
 - iv. the present or last known place of employment or job title;
 - v. the present or last known business address; and
 - vi. the present or last known business telephone number.
- b. when referring to any person other than a natural person, to give:
 - i. the full name;
 - ii. the present or last known address; and
 - iii. the principal place of business of the corporation, partnership, proprietorship, association, or other organization being identified.
- c. when referring to documents, to give:
 - i. the type of document;
 - ii. the general subject matter;
 - iii. the date of the document; and
 - iv. the author(s), addressee(s) and recipient(s).

G. **“Person” or “persons”** shall mean individuals, corporations, proprietorships, partnerships, firms, associations, joint ventures, banks, any government or governmental bodies, commissions, boards or agencies, all other legal entities, and if appropriate or indicated, divisions, subsidiaries or departments of corporations, or other entities, and their principals, agents, representatives, officers, or employees.

H. **“Plaintiff” or “Plaintiffs”** shall mean the plaintiff(s) named in the caption of this action.

DOCUMENT REQUESTS

1. Produce all payroll records for each and every individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action, for the period of December 1, 2007 through the present.

2. Produce all documents that set forth the amount of wages paid by Defendant to each and every individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action, for the period of December 1, 2007 through the present.

3. Produce all documents that describe the basis on which Defendant compensated each and every individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action, for the period of December 1, 2007 through the present.

4. Produce all documents that describe the method or system used by Defendant to track the number of hours that each and every individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action has worked for Defendant, for the period of December 1, 2007 through the present.

5. Produce all documents that set forth the number of hours that each and every individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action has worked for Defendant, for the period of December 1, 2007 through the present.

6. Produce all documents that set forth the number of hours worked in each workweek by each individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action, for the period of December 1, 2007 through the present.

7. Produce all work schedules for each and every individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action, for the period of December 1, 2007 through the present.

8. Produce job descriptions for each and every individual identified in Defendant's

responses to Plaintiffs' First Set of Interrogatories in this action, for the period of December 1, 2007 through the present.

9. Produce the personnel files for each and every individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action.
10. Produce all documents that set forth the name and contact information (or last known contact information) for each and every individual identified in Defendant's responses to Plaintiffs' First Set of Interrogatories in this action.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JAVIER ALAVEZ-LOPEZ, ANTONIO
HERNANDEZ, WILLIAM TOVILLA,
ALEJANDRO CONSTANTINO, ANTONIO
GUTIERREZ, MARCO ANTONIO
ORTEGA, on behalf of themselves and those
similarly situated.

Plaintiffs,

v.

SOUTH JERSEY SANITATION COMPANY,
INC. *et al.*

Defendants.

CIVIL ACTION

No. 10-05647

**PLAINTIFFS' FIRST SET OF INTERROGATORIES DIRECTED TO DEFENDANT
SOUTH JERSEY SANITATION COMPANY, INC.**

Plaintiffs, by and through their undersigned counsel, hereby demand that Defendant South Jersey Sanitation Company, Inc. (hereinafter "Defendant") respond to the following interrogatories within thirty (30) days as ordered by the Court during the May 6, 2011 Rule 16 conference held in this action.

SWARTZ SWIDLER, LLC

By: s/Joshua S. Boyette
JOSHUA S. BOYETTE

Date: May 12, 2011

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1. Each Interrogatory must be answered separately, fully, in writing, and under oath.
2. These Interrogatories are deemed to be continuing, requiring Defendant to provide verified supplemental answers setting forth any additional information within the scope of these interrogatories as may be acquired by Defendant, its agents and attorneys. Such supplemental responses shall be served upon the undersigned counsel for Plaintiff within thirty (30) days after receipt of such information, but in no event later than the discovery cut-off date.
3. In lieu of identifying particular documents or communications, such documents or communications may, at your option, be attached to your answer to those Interrogatories requesting identification of those documents or communications.
4. A response should be made individually to each Interrogatory.
5. The full text of the Interrogatory to which the answer is intended to respond is to be restated immediately preceding such answer.
6. Use of the singular tense shall be deemed to include the plural and vice versa, and use of the masculine pronoun shall be deemed to include both genders.
7. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Interrogatories any information which might otherwise be construed to be outside their scope.
8. If any Interrogatory is not fully answered because of a claim of privilege, state the privilege asserted and the facts allegedly giving rise to the claim of privilege.

9. If Defendant cannot answer any of these Interrogatories after conducting a reasonable investigation, Defendant should so state and answer to the extent it can, stating what information Defendant cannot provide and stating what efforts Defendant made to obtain the unknown information.

DEFINITIONS

The following definitions shall apply to these Requests for Information:

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B. **“Communicate(d)” or “Communication”** means any act or instance of transferring, transmitting, passing, delivering or giving information, in the form of facts, ideas, inquiries, or otherwise, by oral, written, electronic, or any other means.

C. **“Concerning”** means relating to, referring to, reflecting, describing, evidencing, or constituting.

D. **“Document”** shall include writings of any type, all other data compilations from which information can be obtained, and any other means of preserving thoughts or expression, however produced or reproduced. Designated documents shall mean originals in each instance (or copies thereof if originals are unavailable), regardless of origin or location, which are in the custody or control of the Defendant, or in the custody or control of Defendant’s agents, representatives, employees, or counsel, and any copies or reproductions that differ in any respect from the original, such as copies containing marginal notations or other variations. Designated

documents are to be taken as including all attachments, exhibits, enclosures, appendices, and other documents that relate to or refer to such designated documents. The enumeration of various specific items as included within the definition of the word "document" shall not be taken to limit the generality of this word, and the requests herein are directed and intended to obtain all "documents" in the broadest and most comprehensive sense and meaning of this word.

E. **"Identify"** shall mean:

- a. when referring to a natural person, to give:
 - i. the person's name;
 - ii. the present or last known home address;
 - iii. the present or last known home telephone number;
 - iv. the present or last known place of employment or job title;
 - v. the present or last known business address; and
 - vi. the present or last known business telephone number.
- b. when referring to any person other than a natural person, to give:
 - i. the full name;
 - ii. the present or last known address; and
 - iii. the principal place of business of the corporation, partnership, proprietorship, association, or other organization being identified.
- c. when referring to documents, to give:
 - i. the type of document;
 - ii. the general subject matter;
 - iii. the date of the document; and
 - iv. the author(s), addressee(s) and recipient(s).

G. **"Person"** or **"persons"** shall mean individuals, corporations, proprietorships, partnerships, firms, associations, joint ventures, banks, any government or governmental bodies,

commissions, boards or agencies, all other legal entities, and if appropriate or indicated, divisions, subsidiaries or departments of corporations, or other entities, and their principals, agents, representatives, officers, or employees.

H. **“Plaintiff” or “Plaintiffs”** shall mean the individual(s) named in the caption of this action as a plaintiff.

INTERROGATORIES

1. For each and every individual who has, at any time between December 1, 2007 and the present, performed any type of trash collecting/hauling services for Defendant, within the state of New Jersey:

- a. Identify the individual's name, address, home phone number, and cellular phone number (or, if the individual has ceased performing services for Defendant, the individual's last known address, home phone number, and cellular phone number);
- b. Set forth the individual's hire date(s) and, if applicable, termination date(s);
- c. Identify the job title and describe the duties the individual performs (or performed) for Defendant (and if either changed at any point during the relevant time period, set forth when and how it changed);
- d. Describe the basis on which Defendant compensates (or compensated) the individual (if on an hourly basis, set forth the hourly rate; if on a daily basis, set forth the daily rate; if on a weekly basis, set forth the weekly rate), and if the basis changed at any time during the relevant time period, set forth when and how it changed;
- e. Describe the method or system Defendant uses (or used) to track the number of hours the individual has worked for Defendant during each and every workweek that the individual has performed any service on behalf of Defendant, or admit that no such method or system was implemented by Defendant;
- f. Set forth the number of hours that Defendant believes the individual has worked for Defendant in each and every workweek that the individual has performed any service on behalf of Defendant, and explain the basis for this belief; and
- g. Set forth whether Defendant considered the individual to be an employee of Defendant, and if not, set forth in detail why.

2. For each and every individual who has, at any time between December 1, 2007 and the present, performed any type of trash collecting/hauling services for Defendant, outside the state of New Jersey:

- a. Identify the individual's name, address, home phone number, and cellular phone number (or, if the individual has ceased performing services for Defendant, the individual's last known address, home phone number, and cellular phone number);
- b. Set forth the individual's hire date(s) and, if applicable, termination date(s);
- c. Identify the job title and describe the duties the individual performs (or performed) for Defendant (and if either changed at any point during the relevant time period, set forth when and how it changed);
- d. Describe the basis on which Defendant compensates (or compensated) the individual (if on an hourly basis, set forth the hourly rate; if on a daily basis, set forth the daily rate; if on a weekly basis, set forth the weekly rate), and if the basis changed at any time during the relevant time period, set forth when and how it changed;
- e. Describe the method or system Defendant uses (or used) to track the number of hours the individual has worked for Defendant during each and every workweek that the individual has performed any service on behalf of Defendant, or admit that no such method or system was implemented by Defendant; and
- f. Set forth the number of hours that Defendant believes the individual has worked for Defendant in each and every workweek that the individual has performed any service on behalf of Defendant, and explain the basis for this belief; and
- g. Set forth whether Defendant considered the individual to be an employee of Defendant, and if not, set forth in detail why.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JAVIER ALAVEZ-LOPEZ, ANTONIO
HERNANDEZ, WILLIAM TOVILLA,
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ORTEGA, on behalf of themselves and those
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PLAINTIFFS

v.

SOUTH JERSEY SANITATION CO., INC.
and ANTHONY COLARSURDO

DEFENDANTS

CIVIL ACTION

No. 10-05647

**PLAINTIFFS' SUPPLEMENTAL REQUESTS FOR PRODUCTION DIRECTED TO
DEFENDANT SOUTH JERSEY SANITATION COMPANY, INC.**

Plaintiffs, by and through undersigned counsel, hereby demand that Defendant South Jersey Sanitation Company, Inc. (hereinafter "Defendant") respond to the following request for production within the time period proscribed by the Rules of Court.

SWARTZ SWIDLER, LLC

By: s/ Richard S. Swartz
RICHARD S. SWARTZ, ESQ.

Date: January 12, 2012

INSTRUCTIONS

In responding to these Interrogatories, the following instructions shall apply:

1. Each Interrogatory must be answered separately, fully, in writing, and under oath.
2. These Interrogatories are deemed to be continuing, requiring Defendant to provide verified supplemental answers setting forth any additional information within the scope of these interrogatories as may be acquired by Defendant, its agents and attorneys. Such supplemental responses shall be served upon the undersigned counsel for Plaintiff within thirty (30) days after receipt of such information, but in no event later than the discovery cut-off date.
3. In lieu of identifying particular documents or communications, such documents or communications may, at your option, be attached to your answer to those Interrogatories requesting identification of those documents or communications.
4. A response should be made individually to each Interrogatory.
5. The full text of the Interrogatory to which the answer is intended to respond is to be restated immediately preceding such answer.
6. Use of the singular tense shall be deemed to include the plural and vice versa, and use of the masculine pronoun shall be deemed to include both genders.
7. "And" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these Interrogatories any information which might otherwise be construed to be outside their scope.
8. If any Interrogatory is not fully answered because of a claim of privilege, state the privilege asserted and the facts allegedly giving rise to the claim of privilege.

9. If Defendant cannot answer any of these Interrogatories after conducting a reasonable investigation, Defendant should so state and answer to the extent it can, stating what information Defendant cannot provide and stating what efforts Defendant made to obtain the unknown information.

DEFINITIONS

The following definitions shall apply to these Requests for Information:

A. **“Defendant,” “you,” or “your”** shall mean the defendant entity(ies) named in the caption of this action, and its predecessors, successors, and assigns, and its/their parent organizations, subsidiaries, and affiliates, and its/their servants, agents, employees, representatives, divisions, managers, accountants, and attorneys, and anyone else acting on its/their behalf, as well as any individuals named as a defendant in the caption of this action.

B. **“Communicate(d)” or “Communication”** means any act or instance of transferring, transmitting, passing, delivering or giving information, in the form of facts, ideas, inquiries, or otherwise, by oral, written, electronic, or any other means.

C. **“Concerning”** means relating to, referring to, reflecting, describing, evidencing, or constituting.

D. **“Document(s)”** shall include writings of any type, all other data compilations from which information can be obtained, and any other means of preserving thoughts or expression, however produced or reproduced. Designated documents shall mean originals in each instance (or copies thereof if originals are unavailable), regardless of origin or location, which are in the custody or control of the Defendant, or in the custody or control of Defendant’s agents, representatives, employees, or counsel, and any copies or reproductions that differ in any respect from the original, such as copies containing marginal notations or other variations.

Designated documents are to be taken as including all attachments, exhibits, enclosures, appendices, and other documents that relate to or refer to such designated documents. The enumeration of various specific items as included within the definition of the word "document" shall not be taken to limit the generality of this word, and the requests herein are directed and intended to obtain all "documents" in the broadest and most comprehensive sense and meaning of this word.

E. **"Identify"** shall mean:

- a. when referring to a natural person, to give:
 - i. the person's name;
 - ii. the present or last known home address;
 - iii. the present or last known home telephone number;
 - iv. the present or last known place of employment or job title;
 - v. the present or last known business address; and
 - vi. the present or last known business telephone number.
- b. when referring to any person other than a natural person, to give:
 - i. the full name;
 - ii. the present or last known address; and
 - iii. the principal place of business of the corporation, partnership, proprietorship, association, or other organization being identified.
- c. when referring to documents, to give:
 - i. the type of document;
 - ii. the general subject matter;
 - iii. the date of the document; and
 - iv. the author(s), addressee(s) and recipient(s).

G. **“Person” or “persons”** shall mean individuals, corporations, proprietorships, partnerships, firms, associations, joint ventures, banks, any government or governmental bodies, commissions, boards or agencies, all other legal entities, and if appropriate or indicated, divisions, subsidiaries or departments of corporations, or other entities, and their principals, agents, representatives, officers, or employees.

H. **“Plaintiff” or “Plaintiffs”** shall mean the plaintiff(s) named in the caption of this action.

REQUESTS

1. Any and all manuals, documents (written, electronic, or otherwise), handwritten notes, spreadsheets, and/or other memoranda referring, relating, and or regarding the method or system used by Defendant to calculate payroll.
2. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the daily rate Defendant compensated each Plaintiff for the worked performed by the Plaintiff. If said daily rate changed during said time period, please produce documents setting forth the date(s) on which the daily rate changed as well as amount to which the daily rate changed.
3. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the number of days per week that each Plaintiff worked for Defendant.
4. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the scheduled start time for each Plaintiff.
5. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the scheduled end time for each Plaintiff.
6. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth each and every day each Plaintiff was absent from work.
7. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth each and every day that each Plaintiff was late to work.
8. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth each and every day that each Plaintiff left work early.
9. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the number of hours that each Plaintiff worked for Defendant per week, during the weeks in which the Plaintiff worked 5 days for Defendant.
10. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please

produce documents setting forth the hours that each Plaintiff worked for Defendant per week, during the weeks in which the Plaintiff worked 6 days for Defendant.

11. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the hours that each Plaintiff worked for Defendant per week, during the weeks in which the Plaintiff worked 7 days for Defendant.
12. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the hours that each Plaintiff worked for Defendant on the days on which each Plaintiff worked for Defendant.
13. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the basis on which Defendant paid each Plaintiff (daily, hourly, or other basis).
14. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the routes taken by each truck on which each Plaintiff rode while working for Defendant.
15. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the name and last known address and phone number of each driver who drove the trucks on which each Plaintiff rode while working for Defendant.
16. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents setting forth the contact information of the municipalities, towns, and cities for which Plaintiff collected trash while working for Defendant, so that said municipalities, towns, and cities may be served with a subpoena to testify at a deposition and/or at trial as to, among other relevant things, the hours (start and end times) and days of the week in which trash, brush, and/or recycling was collected, and the streets and addresses from which same was collected.
17. For the duration of each Plaintiff's employment with Defendant (but going back only three years from the date on which each Plaintiff joined the instant action), please produce documents relating or referring to any contracts for the collection of trash, brush, and/or recycling that were entered into or lost by Defendant that in any way added to or subtracted from the work any Plaintiff performed for Defendant.
18. Please produce blueprints, maps, drawings, illustrations, and other documents which illustrate each route assigned to each Plaintiff in which the Plaintiff collected trash, brush,

and/or recyclables for Defendant in the three years prior to the Plaintiff joining the instant action to the present.

19. As to any expert Defendant plans to utilize as a witness at time of trial, please produce a written report prepared and signed by the witness and containing:
 - a. a complete statement of all opinions to be expressed;
 - b. the bases and reasons for all such opinions;
 - c. the data or other information considered by the witness;
 - d. any exhibits to be used as a summary of or support for the opinions;
 - e. the qualifications of the witness;
 - f. a list of all publications authored by the witness within the preceding ten (10) years;
 - g. the compensation to be paid for the study and testimony; and
 - h. a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four (4) years.
20. Please produce any and all letters, memoranda, and other written communications between Defendant (or counsel for Defendant) and any expert witness who will be called at time of trial.
21. Please produce any and all drafts, notes, memoranda, calculations, studies, tests, and other work papers of whatever kind or description generated or utilized by any expert or witness who is expected to be called as a witness at time of trial.
22. A complete and current *curriculum vitae* for any expert Defendant plans to utilize at time of trial.
23. Please produce any and all documents that were referenced in Defendant's Rule 26 initial disclosures in this action.
24. Please produce any and all documents that were referenced in Defendant's answers to Plaintiff's interrogatories, or that were reviewed by Defendant in connection with Defendant answering Plaintiff's interrogatories or supplemental interrogatories.
25. Please produce any and all documents that support or otherwise relate to the denials set forth in Defendant's Answer in this action.

26. Please produce any and all documents that support or otherwise relate to Defendant's Affirmative Defenses in this action.
27. Please produce true and correct copies of each document or other tangible thing Defendant intends to introduce as an exhibit at time of trial.
28. Please produce any and all documents that Defendant believes may be relevant to the instant action but not covered by any of the previous requests.

Exhibit “B”

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JAVIER ALAVEZ-LOPEZ, ANTONIO : CIVIL ACTION
HERNANDEZ, WILLIAM TOVILLA, :
ALEJANDRO CONSTANTINO, :
ANTONIO GUTIERREZ, MARCO :
ANTONIO ORTEGA, on behalf of :
themselves and those :
similarly situated, :
Plaintiffs, :
vs. :
: :
: :
SOUTH JERSEY SANITATION :
COMPANY, INC. and ANTHONY :
COLARSURDO, :
Defendants. : NO. 1:10-CV-05647

WEDNESDAY, JANUARY 30, 2013

INTERPRETED DEPOSITION of EDWIN MORALES, held
in the Law Offices of SWARTZ SWIDLER, LLC, 1878
Marlton Pike, Suite 10, Cherry Hill, New Jersey
08003, at approximately 10:51 a.m., on the above
date, before Kimberly A. Little, a Registered
Professional Reporter, New Jersey Certified
Court Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

R&K REPORTING INC.
Court Reporting Services
PO Box 1972
Levittown, Pennsylvania 19058
Phone 215-946-7009 Fax 215-949-1867

COPY

1 February 9, 2010, correct?

2 MS. TOMLJENOVIC: Objection to
3 form.

4 THE WITNESS: Correct.

5 BY MR. SWIDLER:

6 Q. We have one more for this week and
7 then we'll take a break.

8 Okay. I need you to take a look
9 at Exhibit Morales-1A. According to these
10 records, we are going to look at Mr. Tovilla
11 next. He worked Wednesday, Thursday, Friday,
12 Monday, and Tuesday. Mr. Tovilla, would you
13 agree with me that the records show that he
14 worked Wednesday, Thursday, Friday, Monday,
15 Tuesday?

16 A. Yes. Correct.

17 Q. Now, according to your testimony, Mr.
18 Tovilla was picked up in Vineland and dropped
19 off in Vineland?

20 A. Negative. Negative.

21 Q. So did he go to the yard or was he
22 picked up in Hammonton?

23 A. Both ways.

24 Q. Okay.

1 A. Sometimes he will go to the yard.

2 Sometimes we will go and pick him up.

3 Q. For purposes of this deposition,
4 let's assume that he got on the garbage truck
5 from his home at 5:10 every morning. Okay?
6 That would be the latest he would get on the
7 garbage truck, correct?

8 A. Correct.

9 THE INTERPRETER: Can you repeat
10 the last question?

11 BY MR. SWIDLER:

12 Q. For purposes of what we are about to
13 do, let's assume that Mr. Tovilla did not go to
14 the yard or enter the garbage truck at 5:10 in
15 the morning each day. That's the latest he
16 would have gotten on the garbage truck,
17 correct?

18 A. Correct.

19 Q. I want you to write the days and put
20 a star times 5:10. According to South Jersey's
21 records, Mr. Tovilla -- I want you to confirm
22 this again -- worked with Mr. Rodriguez every
23 day that week. Please confirm that and tell me
24 if you agree.

1 A. Correct.

2 Q. So the earliest Mr. Tovilla would
3 have gotten out of the garbage truck,
4 understanding that he may have gone to the yard
5 or may have ended at his house, it would be ten
6 minutes before Mr. Rodriguez stops working?

7 A. Correct.

8 MS. TOMLJENOVIC: Objection to
9 form.

10 THE WITNESS: Correct.

11 BY MR. SWIDLER:

12 Q. According to the records of South
13 Jersey Sanitation, Mr. Tovilla would have ended
14 his day 10 minutes before 4:05 p.m., correct?

15 MR. SWIDLER: I am looking at
16 Monday. I got confused.

17 BY MR. SWIDLER:

18 Q. Ten minutes before 2:00 p.m.,
19 correct, 1:50, right?

20 A. Correct.

21 Q. On Thursday, he would have ended his
22 day ten minutes before 2:10 p.m., correct?

23 MS. TOMLJENOVIC: Objection to
24 form.

1 BY MR. SWIDLER:

2 Q. You said 2:00, correct?

3 THE WITNESS: 2:00, because it's
4 ten minutes before so that would
5 sound like I said 2:00.

6 BY MR. SWIDLER:

7 Q. On Friday, according to these
8 records, Mr. Rodriguez finished at 3:07 p.m.,
9 correct?

10 A. 3:07, correct.

11 Q. Which means that Mr. Tovilla would
12 have ended his day at 2:57?

13 A. Correct.

14 Q. On Monday, Mr. Rodriguez ended his
15 day at 4:05 p.m., correct?

16 A. Correct.

17 Q. Which means that Mr. Tovilla ended
18 his day at 3:55 p.m.?

19 MS. TOMLJENOVIC: Objection to
20 form.

21 THE WITNESS: Correct.

22 BY MR. SWIDLER:

23 Q. On Tuesday, Mr. Rodriguez ended at
24 2:51 p.m., correct?

1 A. Correct.

2 Q. Which means Mr. Tovilla would have
3 ended at 2:41 p.m., correct?

4 MS. TOMLJENOVIC: Objection to
5 form.

6 THE WITNESS: Correct.

7 BY MR. SWIDLER:

8 Q. Okay. So based on that, Mr. Tovilla
9 worked 8 hours and 40 minutes on Wednesday,
10 correct?

11 A. On Monday?

12 Q. I'm sorry. On Wednesday. I'm sorry.
13 On Wednesday.

14 A. If that would be the amount of hours,
15 I guess so. I don't have any calculations.

16 Q. Okay. That is fair. 5:10 to
17 1:50 p.m. I will tell you is 8 hours 40
18 minutes.

19 A. Okay.

20 Q. On Thursday, we have a time in at
21 5:10 and time out at 2:00, correct?

22 A. Correct.

23 Q. I will tell you that is 8 hours and
24 50 minutes?

1 A. Correct.

2 Q. Friday we have 5:10 in. Go back a
3 second. We have 5:10 as a time in and 2:00 as
4 the time out, correct? That is 8 hours and 50.

5 A. Correct.

6 Q. On Friday, we have 5:10 to 2:57,
7 correct?

8 A. Correct.

9 Q. 9 hours and 47 minutes?

10 A. Correct.

11 Q. And Monday we have 5:10 to 3:55,
12 correct?

13 A. Correct.

14 Q. And that is 10 hours and 45 minutes.
15 Tuesday, 5:10 to 2:41.

16 A. Correct.

17 Q. Which gives us 9 hours and 41
18 minutes.

19 A. Correct.

20 Q. Okay. Hang on a second. I'll
21 represent to you that is 47 hours and 33
22 minutes.

23 A. Correct.

24 Q. Mr. Tovilla on the week of

1

2 C E R T I F I C A T I O N

3

4

5 I hereby certify that the proceedings and
6 evidence are contained fully and accurately in
7 the stenographic notes taken by me upon the
8 foregoing matter at the time and place stated
9 herein, and that this is a correct transcript of
10 same.

11

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13



14

KIMBERLY A. LITTLE, RPR, CCR
NOTARY PUBLIC

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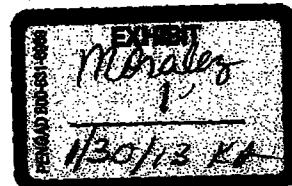
Phone: 215-946-7009

rkreporting@gmail.com

EXHIBIT D

Driver Name:	DRIVER:												
	wed	isp	thur	isp	frt	isp	sat	isp	mon	isp	tue	isp	Comment:
Abreu, Julian	X	/	V		X	/			X	/	X		
Acosta, Isamel	X		X		X				X		X		
Adorno, Anthony	X		X		O				X		X		
Aviles, Osvaldo	X		X		X				X		X		
Berggren, Theodore	X		V		X				X	/	X		
Betancourt, Alexis	X		X		X				X		X		
Campfield, John	X		X		X				X		X		
Capelas, Miguel	X		X		X				X		X		
Cartagena, Jose	X	/	X		X				X		X		
Colon, Eusebio C.	X		X		C				X	/	X		
Contreras, Roberto	X		X		X				X		X		
Cotto, Jerald	X		V	/	X				X		X		
Cruz, Jorge Sr.	C		X		X				X		C		
Diaz, Santos	X		X		X				X		X		
Duprey, Heriberto	X	/	X	/	X				Y	/	X		
Florez, Omar	X		X		X				X		X		
Gonzalez, Yoni	X		X		/				X		X		
Hernandez Miguel, Jesus	X	/	V		X				X	/	X		
Josino, Jose	X	/	X		X				X		X		
Morales, Edwin	X		X		X				X		X		
Morales, Herminio	X		X		X				X		X		
Oncay, Glenn	X		X		X				X	/	X		
Otero, Carlos	X	/	V		X				X		X		
Ramos, Gregoire L.	X		X		X				X		V		
Rodriguez, Rafael	X		X		X				X		X		
Santiago, Juan	X		X		X				X		X		
Serrano, Rogelio	X		X		X				X		X		
Serrano, Rogelio Jr.	X		X		X				X		X		
Villamonte, Carlo	X		X		X				X		X		
SUB-TOTAL	28	29	21						39	28			
TIME NEEDED													
SHOP													
EXTRAS													
OUT													
TOTAL													

Diaz, Luis (welder)	X		X		X				NS				
Morales, Edniel (mec)	X		X		O		X		X				
Morales, Marcos (weld)	X		X		X				X		X		
Morales, Miguel (tire)	V		V		V				V		V		
Ortega, Samuel (weld)	NS		O		NS				Y				
Rodriguez, Danny (mec)	X		X		X		X		X				



Pay Period Ending 3/9/10

Helper's Name	Wed	Thurs	Fri	Sat	Mon	Tues	Comments:
Acevedo, Rey	NS	NS	NS	NS	NS		
Alarcon, Mariano	X	X	H		X	X	
Alvarez, Eloy	X	X	X		X	X	
Alavez, Javier	X	X	X		X	X	
Aquino, Cecilio	X	X	X		X	X	
Aquino, Felix	X	X	X		X	X	
Armendaris, Alfredo	H	H	O		NS	NS	
Bercena, Isidro	NS	NS	O		NS	NS	
Berggren, Sean	X	X	L		X	X	
Castaneda, Armando	X	X	X		X	X	
Constantino, Alejandro	X	X	X		X	X	
Cortez, Lazaro	X	X	X		X	X	
Diaz, Fortino	X	X	X		X	X	
Ebinger, Brian	X	X	O		X	X	
Estrella, Erasto	X	X	X		X	X	
Gomez, Carlos	X	X	X		X	X	
Gomez, Esguin R.	X	X	X		X	X	
Gonzalez, Tony	X	X	X		X	X	
Gutierrez, Antonio	X	X	X		X	X	
Guzman, Max	X	NS	X		NS	X	
Hernandez, Roberto	X	X	X		X	X	
Hernandez, Antonio	X	X	X	<i>End</i>	X	X	<i>Plus 9500 (Final) 142.</i>
Hernandez, Jogie J.	X	X	X		X	X	
Hernandez, Yimi	X	X	X		X	X	
Jimenez, Zosimo	X	X	X		X	X	
Killian, Christopher	X	X	X		X	X	
Lopez, Jorge	X	X	X		X	X	
Lopez, Pedro	X	X	X		X	X	
Martinez, Camerino	X	Y	X		X	X	
Martinez, Ferdinand	X	X	O		X	X	
Martinez, Luis	X	X	O		X	X	
Mendez, Filiberto	X	H	X		X	X	
Ortiz, Carlos	NS	X	X		X	X	
Perez, Orlando	X	X	O		X	X	
Piliero, Jose	X	X	X		X	X	
Ramos, Alexander	X	O	X		NS	K	
Ramos, Ismael	X	O	O		X	X	
Rodriguez, Bernaldino	X	X	O		C	C	
Sanchez, Luis	X	X	X		C	S	
Santana, Abner	X	X	O		X	K	
Santana, Juan M.	X	X	X		X	X	
Singuenza, Carlos	X	X	H		X	X	
Sotelo, Jose	X	NS	X		NS	PS	
Teran, Julio	X	X	X		X	X	
Tomes, Rene	X	X	X		X	X	
Tovilla, William	X	X	X		X	X	
Weems, Leonard	X	X	O		X	X	
Urvina, Luis	X	X	X		X	X	
Pedro Barros					X	NS	
Algo Quedo Confuso						X	

(K.W.)

EXHIBIT E

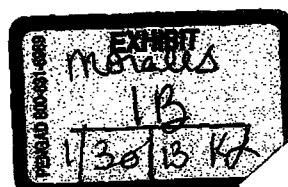
FEBRUARY 03, 2010

(44)

WEDNESDAY'S SCHEDULE

SHOP	MIGUEL	MARCOS	DANNY	JAVY	HERMINIO
WATERFORD	JUAN SANTIAGO #46 ① JOSEPH FERNANDEZ ✓ ROBERT FERNANDEZ ✓ Carrie b/s with trash ✓		BURLINGTON	ROGER SERRANO #56 ① JORGE LOPEZ ✓ REBECCA LOPEZ ✓	
WATERFORD	JAVIER MORALES #45 (VINELAN) CARMELO MARTINEZ ✓ NO Dump. Carries trash with my		BURLINGTON	JOHN CAMPFIELD #29 ① GENEVIEVE TURNO ✓ PEDERO LOPEZ ✓	
SOMERDALE	OMAR FLORES #37 ② LUIS MARTINEZ ✓ ROBERTO FLORES ✓		TABERNACLE	TED BERGGREN #52 ① STEPHEN BERGGREN ✓ BRIAN BINGER ✓	
SOMERDALE	CARLOS OTERO #33 ② ANTONIO FERNANDEZ ✓ MAX GUEVARA ✓		SALEM	JULIAN ABREU #40 ① GENEVIEVE ✓	
MILLVILLE	RIO CONFERAS #48 (RCY) ABNER VILLANEA ✓ ROBERTO GOMEZ ✓ Vineland RCY ②		LINDENWOLD	EUSEBIO COLON #30 ① CARLOS GOMEZ ✓ CARLOS GOMEZ ✓ (DO HADDON TWP IN BUSINESS DISTRIC) ①	
MILLVILLE	CARLOS VILLAMONTE #35 ② LUIS GOMEZ ✓		HARRISON	LORENZO RAMOS #49 ② EUGENIA GOMEZ ✓ ELIAS GOMEZ ✓	
MILLVILLE	JERALDO COTTO #36 ② ISMAEL RAMOS ✓ REFINERORES ✓		HARRISON	TONY ADORNO #31 (RCY) JAVIER FERNANDEZ ✓ ① LIGONIA GOMEZ ✓	
HADDON TWP	JOSE CARTAGENA #43 (RCY) ① ALEXANDRO CONSANTINO ✓		BEVERLY	ALEXIS BETANCOURT #41 ② YAN FERNANDEZ ✓ ZACHARY FERNANDEZ ✓	
HADDON TWP	MIKE CAPELAS #55 ② MARIANO ALARCON ✓ BERNARDO RODZ ✓		CINNAMINSON	RAFAEL RODRZ. #51 ① WILLIAM TOMEZA ✓ CARLOS SINGUENZA ✓	
VINELAND	SANTOS DIAZ #58 ① LUIS URINA ✓ JOSE PINERO ✓ Carrie b/s with trash		CINNAMINSON	HERIBERTO DUPREY #42 ① ANTONIO CASTANEDA ✓ ERNESTO ESTRELLA ✓	
VINELAND	OSVALDO AVILES #53 ① JOSE PERAN ✓ FERNANDO MARINEZ ✓		VINELAND	YONI GONZALEZ #57(YW) ① TONY GONZALEZ ✓ JOSE SOTEO ✓	
VINELAND	ISMAEL ACOSTA #44 (RCY) ⑥ ANTONIO GUTIERREZ ✓		VINELAND	JESUS HERNANDEZ #38 ① DOLIS SANCHEZ ✓	
VINELAND	JOSE JUSINO #28 (RCY) ④ ALEXANDER RAMOS ✓		YARD	JUAN M. SANTANA ✓	

FL	GLEN ONCAY	#54✓
FL	RJ SERRANO	#32
RL		#47
RL		#39



WEDNESDAY

OFF-

NOTES: 02-03-2010

JUAN SANTIAGO: TRY TO DUMP ALL LOADS IN CUMBERLAND.

MISSING DRIVERS

1. TAKE RJ FROM #47

STAND BY:

1. FILIBERTO MENDEZ
2. USE NEW HELPER
3. TAKE HELPER FROM MILLVILLE

1. USE NEW HELPER
2. TAKE HELPER FROM MILLVILLE
3. TAKE 4TH HELPER FROM CINNAMINSO.

17--R/L [REDACTED]
18--R/L
26--RCY [REDACTED]
27--RCY
28--RCY
29--R/L
30--R/L
31--R/L
32--F/L
33--R/L
34--R/L
35--R/L
36--R/L
37--R/L
38--R/L
39--R/O [REDACTED]
40--R/L

41--R/L
42--R/L
43--R/L
44--RCY
45--R/L
46--R/L
47--R/O
48--RCY
49--R/L
50--R/L
51--R/L
52--R/L
53--R/L
54--F/L
55--R/L
56--R/L
57--R/L
58--R/L

vineland

FEBRUARY 03, 2010

WEDNESDAY'S SCHEDULE

SHOP--	MIGUEL MARCOS	DANNY JAVY HERMINIO
WATERFORD--	JUAN SANTIAGO #46 JOSE FERNANDEZ ROBERTO FERNANDEZ <i>Taular Morales</i>	BURLINGTON--ROGER SERRANO #56 JOSE FERNANDEZ ROBERTO FERNANDEZ
WATERFORD--	<u>CAMERINO</u> #45 (VINELAN) CAMERINO MARTINEZ	BURLINGTON--JOHN CAMPFIELD #29 CECILIO AQUINO PEDRO LOPEZ
SOMERDALE--	<i>Olave Flores</i> CARLOS VILLENA #37 MARIANO ALARCON FORTINO DIAZ <i>Carlos Flores</i>	TABERNACLE--TED BERGGREN #52 SEAN BERGGREN BRIAN EBINGER
SOMERDALE--	CHARLES #33 ANTONIO FERNANDEZ <i>Charles Williams</i>	SALEM--JULIAN ABREU #40 CHRISTIAN
MILLVILLE--	RTO CONTRERAS #48 (RCY) ADAM SANTANA DARLOS ORTIZ	LINDENWOLD--EUSEBIO COLON #30 CARLOS GOMEZ OLAFERDO FERZ (DOL ADDONIENTS BUSINESS DISTRICT)
MILLVILLE--	<i>Carlos Williams</i> JOSE DIAZ #35 LAZARO CORTEZ	HARRISON--LORENZO RAMOS #49 ANGELIC COMEZ ROSY ALAVEZ
MILLVILLE--	JERALDO COTTO #36 ISMAEL RAMOS RENE TORRES	HARRISON--TONY ADORNO #31 (RCY) JAVIER RIVERA LEONARD WEEMS
HADDON TWP--	JOSE CARTAGENA #43 (RCY) ALEXANDRO CONSTANTINO	BEVERLY--ALEXIS BETANCOURT #41 YIMI HERNANDEZ ZOSHIMON HERNANDEZ
HADDON TWP--	MIKE CAPELAS #55 LOUIS MARTINEZ HERIBERTO RODZ.	CINNAMINSON--RAFAEL RODRZ. #51 ARMANDO CASTANEDA CARLOS SINGUENZA
VINELAND--	SANTOS DIAZ #58 LOUIS URVINA JOSE PINERO	CINNAMINSON--HERIBERTO DUPREY #42 ARMANDO CASTANEDA ERASMO ESTRELLA
VINELAND--	OSVALDO AVILES #53 JOE TECAN <i>Emilio M. Valde</i>	VINELAND--YONI GONZALEZ #57(YW) TONI GONZALEZ JOSE SOTETO
VINELAND--	ISMAEL ACOSTA #44 (RCY) ANTONIO GUERREREZ	VINELAND--JESUS HERNANDEZ #38 LUIS SANCHEZ
VINELAND--	JOSE JUSINO #28 (RCY) ALEXANDER RAMOS	YARD--JUAN M. SANTANA
		FL--GLEN ONCAY #54 FL--RJ SERRANO #32 RL-- #47 RL-- #39

(4)

(34)

FEBRUARY 05, 2010

FRIDAY'S SCHEDULE

SHOP—MIGUEL MARCOS DANNY LUIS	SAMUEL HERMINIO LORENZO
COLLINGSWOOD—TED BERGGREN #52 (RCV) ① JOSE SOTO	LINDENWOLD—CARLOS OTERO #30 ① JOSE GOMEZ
COLLINGSWOOD—CARLOS VILLAMONTE #37 ② ROBERTO FERNANDEZ LUIS URQUINA	CINNAMINSON—RAFAEL RODRIGUEZ #51 ② JOSE GOMEZ CAMERINO MARTINEZ
BARRINGTON—JULIAN ABREU #40 ② CRISTOBAL FERNANDEZ DIAZ	CINNAMINSON—HERIBERTO DUPREY #42 ② JOSE GOMEZ ERASMO MALLA
BARRINGTON—JOSE CARTAGENA #41 ② JOSE FERNANDEZ ALEXANDRO CONSTANTINO	MILLVILLE—OMAR FLORES #27 MILLVILLE—RODO CONTRERAS #43 ④ JOSE GOMEZ
VINELAND—SANTOS DIAZ #58 ① JOSE FERNANDEZ ZOSHMONTEZ	MILLVILLE—JORGE L. CRUZ #35 ② JOSE GOMEZ
VINELAND—YONI GONZALEZ #57 (Y.W.) ① TONY GONZALEZ ANTONIO HERNANDEZ	MILLVILLE—JERALDO COTTO #36 ② JOSE GOMEZ CARLOS ORTIZ
VINELAND—OSVALDO AVILES #53 ② JUAN PERN ROBERTO GOMEZ	VINELAND—ISABEL ACOSTA #44 (RCV) ANTONIO GUTTEREZ
VINELAND—	VINELAND—JOSE JUSINO #28 (RCV) ALEXANDER RAMOS Vineland T.R.K. 27
CARBOARD—MIKE CAPELAS #55 JAVIER ALVAREZ	WILINGBORO—ROGELIO SERRANO #56 ② JOSE GOMEZ JORGE GOMEZ
Dump on 21F	WILINGBORO—JOHN CAMFIELD #29 ② JOSE GOMEZ PEDRO GOMEZ
YARD—JUAN M. SANTANA	WILINGBORO—JUAN SANTIAGO #50 ② JOSE GOMEZ HERIBERTO MENDEZ
FL—GLENN ONCAY #54 FL—RJ SERRANO #32 RL—ALEX BETANCOURT #47 RL—#39	WILINGBORO—JESUS HERNANDEZ #46 ② JOSE GOMEZ MAX GUZMAN

02-04-2010

THURSDAY

OFF--

NOTE:

MISSING DRIVER:

1. TAKE JESUS FROM #28
2. TAKE CARLOS OTERO FROM WATERFORD

STAN BY HELPER:

1. JOSE SOTELO

17—R/L	41—R/L
18—R/L	42—R/L
26—RCY	43—R/L
27—RCY	44—RCY
28—RCY	45—R/L
29—R/L	46—R/L
30—R/L	47—R/O
31—R/L	48—RCY
32—F/L	49—R/L
33—R/L	50—R/L
34—R/L	51—R/L
35—R/L	52—R/L
36—R/L	53—R/L
37—R/L	54—F/L
38—R/L	55—R/L
39—R/O	56—R/L
40—R/L	57—R/L
	58—R/L

FEBRUARY 04, 2010

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THURSDAY'S SCHEDULE

SHOP—MIGUEL HERMINIO MARCOS LUIS DANNY JAVIER SAMUEL

COLLNSGWOOD—CARLOS VILLANUEVA #37 TABERANCLE—TED BERGREN #52

(2) ANTONIO HERNANDEZ ✓ BRIAN BINGER ✓
FERNAND MARTINEZ ✓ STEPHEN BERGREN ✓(1) COLLINGSWOOD—TONY ADORNO #31
(REV) ALFREDO CONCEPCION ✓
DOMINICA ✓(2) WATERFORD—JUAN SANTIAGO #46
ROBERTO HERNANDEZ ✓
JOGLE HERNANDEZ ✓(1) WATERFORD—CARLOS OTERO #45
(REV) CARLOS MARTINEZ ✓(2) NAT'L PARK—LORENZO RAMOS #49
ESCRIVIA GOMEZ ✓
HEON GOMEZ ✓(2) MILLVILLE—JORGE L. CRUZ #35
LEONARDO GOMEZ ✓(2) MILLVILLE—JERALDO COTTO #36
RENE TORRES ✓
MARTIN AGARCON ✓(4) MILLVILLE—RODO CONTRERAS #48
(REV) ABEKA SANTANA ✓
HECTOR WEEMS ✓Vineland ✓ (2) HADDON TWP—MIKE CAELAS #55
EUGENIO MARTINEZ ✓
BERNARDINO RODRIGUEZ ✓HADDON TWP—JOSE CARTAGENA #50
(REV) JAVIER SABALEA ✓Vineland—SANTOS DIAZ #58 (REV)
JOSE SANTERO ✓
LUCILLE VINA ✓
1st camp 10/04(1) VINELAND—JOSE JUSINO #28
(REV) JESUS HERNANDEZ ✓

VINELAND—

3rd
Mallard
(1)

LINDENWOLD—EUSEBIO COLON #30

(1) CARLOS GOMEZ ✓
ORLANDO PEREZ ✓(2) BURLINGTON—ROGER SERRANO #56
JONATHAN PEREZ ✓
FEDERICO QUINTO ✓(1) BURLINGTON—JOHN CAMPFIELD #29
CECILIO ACUINO ✓
PEDRO LOPEZ ✓(2) BARRINGTON—JULIAN ABREU #40
CHRISTIAN LIAN ✓
FORREST DIAZ ✓(2) DELANCO—OMAR FLORES #33
YURI HERNANDEZ ✓(2) DELANCO—ALEX BETANCOURT #41
JOSUE HERNANDEZ ✓
CARLOS GOMEZ ✓(1) CINNAMINSON—RAFAEL RODGUEZ #51
WILSON RODGUEZ ✓
CARLOS SINGUENZA ✓(2) CINNAMINSON—HERIBERTO DUPREY #42
FRANCISCO RODGUEZ ✓
ARMANDO VASQUEZ ✓(1) VINELAND—OSVALDO AVILEZ #53 (REV)
JUAN GONZALEZ ✓
LUCILLE VINA ✓(1) VINELAND—YONI GONZALEZ #57 (REV)
TONI GONZALEZ ✓(6) VINELAND—ISMAEL ACOSTA #44
(REV) ANTONIO GUTTEREZ ✓

YARD—JUAN M. SANTANA ✓

FL—GLEN ONCAY #54 ✓
FL— #32
RL—RJ SERRANO #47 ✓

THURSDAY'S SCHEDULE

SHOP—MIGUEL	HERMINIO	MARCOS	LUIS	DANNY	JAVIER	SAMUEL
COLLNSGWOOD—CARLOS VILLANUEVA #37	ANTONIO HERNANDEZ	FERNANDO MARTINEZ	TABERANCLE—TED BERGGREN #62 ORLANDO MEDINAS SEAN BERGGREN			
COLLINGSWOOD—TONY ADORNO #31	(RCY) ALEXANDRO CONSTANTINO	(DO MULICA)	LINDENWOLD—EUSEBIO COLON #30 CARLOS GOMEZ ORLANDO PEREZ			
WATERFORD—JUAN SANTIAGO #46	ROBERTO HERNANDEZ	JOGIL HERNANDEZ	BURLINGTON—ROGER SERRANO #56 JORGE LOPEZ PEREZ ALIX AQUINO			
WATERFORD—CARLOS OTERO #45	(RCY) CAMERINO MARTINEZ	BURLINGTON—JOHN CAMPFIELD #29 SELENO ARINO ALIX AQUINO				
NAT'L PARK—LORENZO RAMOS #49	ESCUINTLA GOMEZ	ELIO Y ALAVEZ	BARRINGTON—JULIAN ABREU #40 CRISTIAN KELIAN FORTINO DIAZ			
MILLVILLE—JORGE L. CRUZ. #35	LAZARO GOMEZ	DELANCO—OMAR FLORES #33 YMI HERNANDEZ				
MILLVILLE—JERALDO COTTO #36	RENE TORRES	MARINA HERNANDEZ	DELANCO—ALEX BETANCOURT #41 ZOSIMO MENEZ PEREGRINO MENEZ CRISTIAN OMIL			
MILLVILLE—ROTO. CONTRERAS #48	(RCY) ALBERT SANTANA	LEONARDO WIRMS	CINNAMINSON—RAFAEL ROGUEZ #51 WEISSMAN PONILLA CARLOS SINJUENZA			
HADDON TWP—MIKE CAPELAS #55	LUIS MARTINEZ	BERNAL DIN RODRIGUEZ	CINNAMINSON—HERIBERTO DUPREY #42 ERASMO PONILLA ARMANDO CASTANEDA			
HADDON TWP—JOSE CARTAGENA #50	(RCY) JAMES ALAVEZ	VINELAND—OSVALDO AVILEZ #53(?) JOSE TERRAN LOIS SANCHEZ				
VINELAND—SANTOS DIAZ #58(?)	JOSE PINGRO	LUIS URVINA	VINELAND—YONI GONZALEZ #57(YW) TONY GONZALEZ			
VINELAND—JOSE JUSINO #28	(RCY) JESUS HERNANDEZ	VINELAND—ISMAEL ACOSTA #44 (RCY) ANTONIO GUTIERREZ				
VINELAND—			YARD—JUAN M. SANTANA			

FL—GLEN ONCAY #54
FL— #32
RL—RJ SERRANO #47

FEBRUARY 05, 2010

FRIDAYS SCHEDULE

SHOP—MIGUEL MARCOS DANNY LUIS

COLLINGSWOOD—TED BERGGREN #52
(RCY) ~~SHAMBORGREN~~
~~JOSE SANCHEZ~~

COLLINGSWOOD—CARLOS VILLAMONTE #37
COLLINGSWOOD—~~JESUS SANTIAGO~~ #50
ROBERTO HERNANDEZ
LUIS URVINA

BARRINGTON—JULIAN ABREU #40
CRISTIAN LILIAN
FORTINO DIAZ

BARRINGTON—JOSE CARTAGENA #48 ^⑦
JOGLE HERNANDEZ
ALEJANDRO CONSTANTINO

VINELAND—SANTOS DIAZ #58 ^⑨
JOSE PINERO
~~Zestina Hernandez~~

VINELAND—YONI GONZALEZ #57 (YW)
TONI GONZALEZ
ANTONIO HERNANDEZ

VINELAND—OSVALDO AVILES #53 ^⑩
JULIO TEJAN
LUIS SANCHEZ

VINELAND—

CARBOARD—MIKE CAPELAS #55
JAVIER ALAVEZ

YARD—JUAN M. SANTANA

FL— GLENN ONCAY #54
FL— ~~25~~ #32
RL— ~~RESENDIZ A/CX~~ #47
RL— ~~25~~ #39

SAMUEL HERMINIO ~~ZORNEDO~~

LINDENWOLD—~~JOSE SANCHEZ~~ #30
CARLOS GOMEZ

CINNAMINSON—RAFAEL RODRIGUEZ #51
WILLIAM TONTILLA
CAMIERINO MARTINEZ

CINNAMINSON—HERIBERTO DUPREY #42
ARMANDO CASTANEDA
ERASMO ESTRELLA

MILLVILLE—OMAR FLORES #27*
MILLVILLE—ROTO CONRRERAS #48
ESQUIN P. GOMEZ

MILLVILLE—JORGE L. CRUZ #35
LAZARO CORTEZ

MILLVILLE—JERALDO COTTO #36
RENET TORRES
ISMAEL RAMOS

VINELAND—ISABEL ACOSTA #44
(RCY) ANTONIO GUTTERREZ

VINELAND—JOSE JUSINO #28
(RCY) ALEXANDER RAMOS

WILINGBORO—ROGELIO SERRANO #56
TOMAS AQUINO
PEDRO LOPEZ

WILINGBOR—JOHN CAMPHIELD #29
CECILIO AQUINO
PEDRO LOPEZ

WILINGBOR—ALEX BETANCOURT #41
YEMI HERNANDEZ
BRIAN MUSSEY
~~YOLANDO P. Hernandez~~

WILINGBOR—JESUS HERNANDEZ #46
EPOT ALAVEZ
MAX GUZMAN

FEBRUARY 08, 2010

(4)

MONDAY'S SCHUDUDE

SHOP—MIGUEL HERMINIO LUIS MARCOS JAVIER DANNY

COLLINGSWOOD—JULIAN ABREU #40

(1) PEDRO BARROS ✓
FORTINO DIAZ ✓(1) COLLINGSWOOD—DUPREY #42
(RCY) ARMANDO CASTAÑEDA ✓(HEP MIKE) ERASMO ESTRELLA ✓
D & M ✓ Lop ✓

WATERFORD—JUAN SANTIAGO #50

(1) ROBERTO FERNANDEZ ✓
JOELLE FERNANDEZ ✓

WATERFORD—CARLOS OTERO #33

(1) CARMELO VASQUEZ ✓

(2) MILLVILLE—OMAR FLORES #27

MILLVILLE—RTO. CONTRERAS #48
(RCY) ALBERTO SANTANA ✓
LEONARD WHEIMS ✓

MILLVILLE—JERALDO COTTO #36

(1) ISMAEL RAMOS ✓
NENE TORRES ✓

MILLVILLE—JORGE L. CRUZ #35

(1) LAZARO GOMEZ ✓

VINELAND—YONI GONZALEZ #57 (YW)

(1) TONY GONZALEZ ✓
ANTONIO FERNANDEZ ✓

VINELAND—SANTOS DIAZ #58 (ED)

(1) JOSE FERREIRO ✓
LUCAS URVINA ✓

VINELAND—OSVALDO AVILEZ (ED)

(1) JULIO SERRAN ✓ 53

VINELAND—JESUS HERNANDEZ (ED)

(1) YAMIL FERNANDEZ ✓ 46

VINELAND—JOSE JUSINO #28

(2) FELIPE GUTIERREZ ✓

VINEALND—ISMAEL ACOSTA #44

(1) ANTONIO GUTIERREZ ✓

HADDON HT—CARLOS VILLAMONTE #37

(1) CARLOS GOMEZ ✓

HADDON HTS—TED BERGGREN #52

(1) ERIC BERGGREN ✓
SEAN BERGGREN ✓

HADDON HTS—EUSEBIO COLON #30

(1) ERIC COLON ✓
ORLANDO OTERO ✓

HARRISON—LORENZO RAMOS #49

(2) ERIC RAMOS GOMEZ ✓
ELOY ALAVEZ ✓

HARRISON—TONY ADORNO #31

(RCY) JAVIER ADORNO ✓
(1) JOSE ADORNO ✓

LAWNSIDE—RAFAEL RODRIGUEZ #51

(1) WILLIE RODRIGUEZ ✓
CARLOS SINCUENZA ✓

HADDON TWP—MIKE CAPELAS #55

(2) MARIANO MARCON ✓
JOSE MARIÑEZ ✓

HADDON TWP—JOSE CARTAGENA #43

(1) ALFREDO CONSANTINO ✓
FERGUSON MARTINEZ ✓

HADDON TWP—

WILLINGBORO—ROGER SERRANO #56

(1) ERIC SERRANO ✓
JORGE LOPEZ ✓

WILLINGBORO—JOHN CAMPFIELD #29

(1) GREGORY HERNANDEZ ✓
PEDRO LOPEZ ✓

WILLINGBORO—ALEX BETANCOURT #41

(1) CARLOS ORTIZ ✓

FL—GLENN ONCAY #54 ✓
RL—RJ SERRANO #44 ✓

RL— #39

YARD ✓
Single Stream (SJ) Spring Hill Apt. (1)

FEBRUARY 08, 2010

MONDAY SCHEDULE

SHOP—MIGUEL HERMINIO LUIS MARCOS JAVIER DANNY

COLLINGSWOOD—JULIAN ABREU #40
CRISTOBAL ~~ABREU~~
JOSEPH DIAZHADDON HT—CARLOSVILLAMONTE #37
CARLOS GOMEZCOLLINGSWOOD—DUPREY #42
(RCY) ANTONIO CASTAÑEDA
(HELP MIKE) ENRIQUE ESTRELLAHADDON HTS—TED BERGGREN #52
BRIAN BERGER
SEAN BERGGRENWATERFORD—JUAN SANTIAGO #50
ROBERTO HERNANDEZ
JESSE HERNANDEZHADDON HTS—EUSEBIO COLON #30
PEREZ ~~COLON~~
JOSEPH PEREZWATERFORD—CARLOS OTERO #42
JOAQUIN MUNIZNEZHARRISON—LORENZO RAMOS #49
ESTEBAN GOMEZ
JOSE ALAVEZMILLVILLE—Oscar FLORES (21)
MILLVILLE—RTO. CONTRERAS #48
(RCY) ANTHONY SANTANA
LEONARD WEEMSHARRISON—TONY ADORNO #31
(RCY) JAVIER ALAVEZ
JOSE ALAVEZMILLVILLE—JERALDO COTTO #36
ISMAEL RAMOS
RENE TORRESLAWNSIDE—RAFAEL RODRIGUEZ #51
WILLIAM SERRA
CARLOS SINGUENZAMILLVILLE—JORGE L. CRUZ #35
LAWRENCE CORTEZHADDON TWP—MIKE CAPELAS #55
ROBERTO RODRIGUEZ
LUIS MARTINEZVINELAND—YONI GONZALEZ #57 (NW)
TONY GONZALEZ
ANTONIO GONZALEZHADDON TWP—JOSE CARTAGENA #43
ALEJANDRO CONSTANTINO
FERNAND MARTINEZVINELAND—SANTOS DIAZ #58 (NW)
JOSE PINERO
LUIS URVINA

HADDON TWP—OMAR FLORES #53

VINELAND—OSVALDO AVILEZ (RD)
JULIO PERAN
JOSE SOTOWILLINGBORO—ROGER SERRANO #56
FRANCISCO QUINO
JORGE SOTOVINELAND—JESUS HERNANDEZ (GN)
LEON SANCHEZ
JOSE SANCHEZWILLINGBORO—JOHN CAMPFIELD #29
CECILIA HERNANDEZ
YVONNE HERNANDEZ
JOHN CAMPFIELDVINELAND—JOSE JUSINO #28
ALEJANDRO RAMOS
JOSE SOTOFL—GLEN ONCAY #54
FL—
RL—RJ SERRANO #47
RL—
#39VINELAND—ISMAEL ACOSTA #44
ANTONIO GUTIERREZ

Yonel—JESUS HERNANDEZ

FRIDAY

OFF--TONY ADORNO

NOTES: 02-05-10

COLLINGSWOOD TRASH: GET KNIGHT PARK!

COLLINGSWOOD RECYCLING: GET COLLINGSWOOD ARMS 30 WASHINGTON AVE.
BACK DOWN DRIVEWAY OFF MAPLE AVE.

MISSING DRIVERS

1. TAKE OMAR FLORES
2. CALL LORENZO RAMOS
3. TAKE CARLOS VILLAMONTE
4. TAKE RJ SERRAO
5. TAKE HERMINO

STAND BY:

1. BERNALDINO RODRIGUEZ
2. NEW HELPER

17--R/L [REDACTED]	41--R/L
18--R/L	42--R/L
26--RCY	43--R/L
27--RCY	44--RCY
28--RCY	45--R/L
29--R/L	46--R/L
30--R/L	47--R/O
31--R/L	48--RCY
32--R/L	49--R/L
33--R/L	50--R/L
34--R/L	51--R/L
35--R/L	52--R/L
36--R/L	53--R/L
37--R/L	54--F/L
38--R/L	55--R/L
39--R/O	56--R/L
40--R/L	57--R/L
	58--R/L

FEBRUARY 05, 2010

SATURDAY'S SCHEDULE

SHOP--MIGUEL MARCOS JAVI DANNY LORENZO LUIS

VINELAND--YONI GONZALEZ #57(YW)
TONY GONZALEZ

VINELAND--SANTOS DIAZ #58
ANTONIO HERNANDEZ

VINELAND--OSVALDO AVILES #53
JESUS HERNANDEZ
LUIS SANCHEZ

VINELAND--
ALBERTO FERAN #46
(IF IS SNOWING)

TRUCK WASH

FL--GLENN ONCAY #54
FL-- #32

17	41
18	42
26	43
27	42
28	44
29	45
30	46
31	47
32	48
33	49
34	50
35	51
36	52
37	53
38	54
39	55
40	56
	57
	58

02-08-10

MONDAY

OFF--

NOTES:

JUAN SANTIAGO: TRY TO DUMP ALL LOADS IN CUMBERLAND

MISSING DRIVERS

1. TAKE RJ FROM ROLL OFF

STANBY HELPER

1. FILIBERTO MENDEZ
2. USE NEW HELPER
3. TAKE FROM MILLVILLE
4. TAKE FORM HADDON HTS.

17-R/L	41-R/L
18-R/L	42-R/L
26-RCY	43-R/L
27-RCY	44-RCY
28-RCY	45-R/L
29-R/L	46-R/L
30-R/L	47-R/O
31-R/L	48-RCY
32-F/L	49-R/L
33-R/L	50-R/L
34-R/L	51-R/L
35-R/L	52-R/L
36-R/L	53-R/L
37-R/L	54-F/L
38-R/L	55-R/L
39-R/L	56-R/L
40-R/L	57-R/L
	58-R/L

TUESDAY

02-09-10

OFF--

NOTES:

EDWIN : MISSING DRIVER

1. USE CARLOS VILLAMONTE
2. TAKE HERMINIO FORM THE SHOP
3. CALL CUBA
4. GIVE ESGUIN TO COLLINGSWOOD RCY, DO GRASS AFTER RCY.
5. TAKE RJ SERRANO

STANDBY:

1. CRISTIAN RIOS
2. EDWIN GONZALEZ
3. EZEQUIEL GONZALEZ

17—R/L [REDACTED]
18—R/L WATERFORD
26—RCY
27—RCY
28—RCY
29—R/L
30—R/L
31—R/L
32—F/L
33—R/L
34—R/L
35—R/L
36—R/L
37—R/L
38—R/L [REDACTED]
39—R/O
40—R/L

41—R/L
42—R/L
43—R/L
44—RCY
45—R/L [REDACTED]
46—R/L
47—R/O
48—RCY
49—R/L
50—R/L
51—R/L
52—R/L
53—R/L
54—F/L
55—R/L
56—R/L
57—R/L
58—R/L

FEBRUARY 09, 2010

TUESDAY'S SCHEDULE

SHOP—MIGUEL HERMINIO	MARCOS JAVI	DANNY SAMUEL LORENZO
COLLINGSWOOD—JULIAN ABREU #40	LINDENWOLD—EUSEBIO COLON #30	
(RCY) JULIAN FONSECA	(RCY) EUSEBIO COLON	
COLLINGSWOOD—E. DUPREY #42	TABERNACLE—TED BERGGREN #52	
(RCY) E. DUPREY	(RCY) TED BERGGREN	
MARIA ALARCON	SEBASTIEN	
(GOHHP MICK)	TABERNACLE—TED BERGGREN #52	
WATERFORD—CARLOS OTERO #34	HARRISON—TONY ADORNO #31	
(RCY) CARLOS OTERO	(RCY) TONY ADORNO	
WATERFORD—JUAN SANTIAGO #50	HARRISON—LORENZO RAMOS #49	
JOSE SANTIAGO	(RCY) LORENZO RAMOS	
ROBERT FERNANDEZ	BURLINGTON—ALEX BETANCOURT #41	
MILLVILLE—CARLOS VILLAMONTE	(RCY) ALEX BETANCOURT	
LAWRENCE	BURLINGTON—CARLOS VILLAMONTE #37	
MILLVILLE—GERALDO COTTO #36	(RCY) CARLOS VILLAMONTE	
JOSE COTTO	(RCY) CARLOS VILLAMONTE	
ROBERT FERNANDEZ	EDGEWATER—RAFAEL RODRZ #51	
MILLVILLE—RTO. CONTRERAS #48	(RCY) RAFAEL RODRZ	
ANITA CONTRERAS	EDGEWATER—OMAR FLORES #33	
LEONEL CONTRERAS	(RCY) OMAR FLORES	
HADDON TWP—JOSE CARTAGENA #43	VINELAND—ISMAEL ACOSTA #44	
FRANCISCO CARTAGENA	(RCY) ISMAEL ACOSTA	
HADDON TWP—MIKE CAPELAS #55	VINELAND—YONI GONZALEZ #57 (YW)	
LEONEL CAPELAS	(RCY) YONI GONZALEZ	
MICHAEL CAPELAS	VINELAND—OSVALDO AVILES #53	
VINELAND—SANTOS DIAZ #58	(RCY) OSVALDO AVILES	
(RCY) SANTOS DIAZ	WILLINGBORO—ROGER SERRANO #56	
VINELAND—JESUS HERNANDEZ #46	(RCY) ROGER SERRANO	
(RCY) JESUS HERNANDEZ	WILLINGBORO—JOHN CAMPFIELD #29	
VINELAND—JOSE JUSINO #28	(RCY) JOHN CAMPFIELD	
(RCY) ALBERTO RAMOS	FL— GLENN ONCAY #54	
YARD—JUAN VILLAMONTE	FL— RJ SERRANO #32	
	RL— #47	
	RL— #39	

FL— GLENN ONCAY	#54
FL— RJ SERRANO	#32
RL—	#47
RL—	#39

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Abreau, Julian

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Cartegena, Jose

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Adorno, Anthony

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Capeles, Mike

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TUE	10:35	to	12:30	7	40	5:00
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THU	10:35	to	12:35	11	40	5:00
FRI	10:35	to	12:35	8	24	5:00
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TUE	8:45	to	9:30	10	11	5:00
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THU	8:45	to	9:30	8	31	5:00
FRI	8:45	to	9:30	8	48	5:00
SAT				SUN		

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TUE	8:45	to	9:30	10	11	5:00
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THU	8:45	to	9:30	9	25	5:00
FRI	8:45	to	9:30	9	25	5:00
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IN	OUT	IN	OUT	MORNING	AFTERNOON	OVERTIME
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TUE	8:45	to	9:30	11	03	5:00
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THU	8:45	to	9:30	9	15	5:00
FRI	8:45	to	9:30	9	52	5:00
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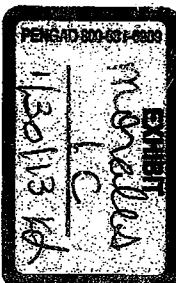
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Contreras, Roberto

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Cotto, Jerald

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Colon, Eusubio

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Campfield, John

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Flores, Omar

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Duprey, Heriberto

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Diaz, Santos

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Cruz, Sr., Jorge L.

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701

Morales, Javie

320

Serrano, Roger

502

Serrano, R. J.

412

Santiago, Juan A

SECTION	DEPARTMENT	SECTION	DEPARTMENT
✓	2 - 9 - 10	✓	2 - 9 - 10

SECTION	DEPARTMENT	SECTION	DEPARTMENT
✓	2 - 9 - 10	✓	2 - 9 - 10

SECTION	DEPARTMENT	SECTION	DEPARTMENT
✓	2 - 9 - 10	✓	2 - 9 - 10

SECTION	DEPARTMENT	SECTION	DEPARTMENT
✓	2 - 9 - 10	✓	2 - 9 - 10

Year:	Month:	Year:	Month:
MORNING	AFTERNOON	MORNING	AFTERNOON
IN	OUT	IN	OUT
MON 7-23	10 453	MON 453	10 453
TUE 7-24	10 453	TUE 453	10 453
WED 7-25	10 453	WED 453	10 453
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SUN	10 453	SUN 453	10 453

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SAT	10 453	SAT 453	10 453
SUN	10 453	SUN 453	10 453

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54-23

53-79

T111

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Signature

Signature

Signature

Signature

513

Morales, Marco

501

Morales, Herminio

521

Diaz, Luis

Rodriguez, Danny

513

Morales, Marco

501

Morales, Herminio

521

Diaz, Luis

Rodriguez, Danny

SECTION	DEPARTMENT
✓	2 - 9 - 10

SECTION	DEPARTMENT
✓	2 - 9 - 10

SECTION	DEPARTMENT
✓	2 - 9 - 10

SECTION	DEPARTMENT
✓	2 - 9 - 10

TIME CARD
(WEEKLY)

Year:

Month:

SECTION	DEPARTMENT
✓	2 - 9 - 10

SECTION	DEPARTMENT
✓	2 - 9 - 10

SECTION	DEPARTMENT
✓	2 - 9 - 10

SECTION	DEPARTMENT
✓	2 - 9 - 10

60-90

64-41

45.38

68.34

T111

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Signature

T111

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Signature

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Signature

3033

Villamonte, Carlos

512

Morales, Miguel

520

Ortega, Samuel

SECTION
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EXHIBIT G

**Condensed Transcript
Testimony of:**

ANTHONY COLASURDO

Date: November 9, 2012

Alavez-Lopez, et al. v. South Jersey Sanitation Co., et al.

No.: USDC NJ 1:10-cv-05647

R&K Reporting Inc.
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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEW JERSEY 3 CAMDEN VICINAGE</p> <p>4 JAVIER ALAVEZ-LOPEZ, : CIVIL ACTION 5 ANTONIO HERNANDEZ, : 6 WILLIAM TOVILLA, : 7 ALEJANDRO CONSTANTINO, : 8 ANTONIO GUTIERREZ, MARCO : 9 ANTONIO ORTEGA, on behalf of themselves and those similarly situated, : 10 Plaintiffs : NO. 1:10-cv-05647 vs. : 11 : (NLH/KMW) 12 : 13 : 14 : 15 : 16 : 17 : 18 : 19 : 20 : 21 : 22 : 23 : 24 : 13 SOUTH JERSEY SANITATION CO., INC. and ANTHONY COLASURDO, Defendants : 14 : 15 : 16 : 17 : 18 : 19 : 20 : 21 : 22 : 23 : 24 : 13 Cherry Hill, New Jersey 14 November 9, 2012 15 Pretrial examination of ANTHONY COLASURDO, taken on behalf of the Plaintiff at the offices of Swartz Swidler, 1878 Marlton Pike East, Cherry Hill, New Jersey, on the above date, commencing at 1:55 p.m., before Linda A. Ricciardi, Certified Court Reporter. 16 R&K REPORTING INC. 17 Court Reporting Services 18 PO Box 1372 19 Levittown, Pennsylvania 19058-1372 20 Phone: 215-946-7009 Fax: 215-949-1867</p>	<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p style="text-align: center;">I N D E X</p> <p>1 WITNESS 2 ANTHONY COLASURDO 3 By Mr. Swartz</p> <p style="text-align: center;">E X H I B I T S</p> <table> <thead> <tr> <th>EXHIBIT NO.</th> <th>DESCRIPTION</th> <th>MARKED</th> </tr> </thead> <tbody> <tr> <td>P-1</td> <td>Notice of deposition</td> <td>5</td> </tr> <tr> <td>P-2</td> <td>Interrogatories</td> <td>7</td> </tr> <tr> <td>P-3</td> <td>Answers to Interrogatories</td> <td>7</td> </tr> </tbody> </table>	EXHIBIT NO.	DESCRIPTION	MARKED	P-1	Notice of deposition	5	P-2	Interrogatories	7	P-3	Answers to Interrogatories	7
EXHIBIT NO.	DESCRIPTION	MARKED											
P-1	Notice of deposition	5											
P-2	Interrogatories	7											
P-3	Answers to Interrogatories	7											

<p>1 APPEARANCES: 2 SWARTZ SWIDLER, LLC 3 BY: RICHARD S. SWARTZ, ESQUIRE 4 MANALI ARORA, ESQUIRE 5 1878 Marlton Pike East 6 Society Hill Office Park, Suite 10 7 Cherry Hill, New Jersey 08003 8 856-685-7420 9 jswidler@swartz-legal.com 10 -- Counsel for Plaintiffs 11 12 13 COOPER LEVISON APRIL NIEDELMAN & WAGENHEIM, P.A. 14 BY: RUSSELL LICHTENSTEIN, ESQUIRE 15 1125 Atlantic Avenue - Third Floor 16 Atlantic City, New Jersey 98401 17 609-344-3161 18 rlichtenstein@cooperlevenson.com 19 -- Counsel for Defendants</p>	<p>2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <p style="text-align: center;">(It is stipulated and agreed by and between counsel for the respective parties that the reading, signing, sealing, certification and filing of the within deposition be waived; and that all objections, except as to the form of the question, be reserved until the time of trial.)</p> <p style="text-align: center;">ANTHONY COLASURDO, after having been first duly sworn, was examined and testified as follows:</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">EXAMINATION</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">BY MR. SWARTZ:</p> <p style="text-align: center;">Q. Good afternoon. Could you please state your name for the record?</p> <p style="text-align: center;">A. Anthony Colasurdo.</p> <p style="text-align: center;">Q. If I call you Anthony today is that okay?</p> <p style="text-align: center;">A. Absolutely.</p> <p style="text-align: center;">Q. My name is Richard Swartz, please feel free to call me Richard, and I am an attorney where we are at today, Swartz Swidler, and my</p>
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1 firm represents a number of individuals I think 2 we can all agree are called throwers in a case 3 against South Jersey Sanitation Company, Inc., 4 I believe yourself as well, for allegations of 5 wage and hour violations, both federal wage and 6 hour and state wage and hour violations. Were 7 you aware of that? 8 A. Yes. 9 Q. I don't anticipate the questioning 10 today to take very long, but let me just go 11 over a minute or so of ground rules. First of 12 all, this is a deposition, which means that I 13 am asking you questions. All that is expected 14 of you by myself, an attorney of the court, is 15 that you answer to the best of your knowledge, 16 best of your ability and answer truthfully. Do 17 you understand that? 18 A. Yes, I do. 19 Q. You understand that you are here today 20 in response to what is called a 30(b)(6) 21 notice. Do you understand that? 22 A. Yes. 23 (Whereupon notice of deposition was 24 marked for identification as P-1.)	5 instructions. You understand that if you don't 2 understand a question you have to let me know 3 so I can rephrase it, otherwise we will 4 understand that you understood the question. 5 A. I understand. 6 Q. If you look to the second, I'm sorry, 7 the last page of the 30(b)(6) deposition notice 8 that is in front of you, the last paragraph 9 says that the designee, and you are the 10 designee, should bring all documents necessary 11 to answer the questions about the above topics, 12 and the topics are listed above. Did you bring 13 any documents with you today that would help 14 you answer any questions? 15 A. I do not. 16 MR. LICHTENSTEIN: We already 17 supplied the documents necessary to 18 answer the questions. 19 MR. SWARTZ: Can you mark this as 20 P-2 and P-3? 21 (Whereupon interrogatories and 22 answers to interrogatories were marked 23 for identification as P-2 and P-3.) 24 BY MR. SWARTZ:	7
1 BY MR. SWARTZ: 2 Q. You have in front of you what has been 3 marked as P-1, is what is called a notice of 4 30(b)(6) deposition. Have you seen this 5 document before? 6 A. I don't think so. 7 Q. Do you understand that a 30(b)(6) 8 deposition is a deposition in which your 9 answers are being taken as to you on behalf of 10 the company? 11 A. Yes. 12 Q. Do you work for South Jersey 13 Sanitation? 14 A. Yes. 15 Q. What is your position? 16 A. President. 17 Q. Are you also an owner? 18 A. Yes. 19 Q. Are you the sole owner or are there 20 other owners? 21 A. Sole owner. 22 Q. Have you been deposed before? 23 A. Yes. 24 Q. So I will really narrow my	6 Q. During the course of this litigation my 2 firm issued through your attorney to the 3 defendant a document which is called 4 interrogatories, which is basically questions, 5 and I am going to show you what I will 6 represent is a copy of the interrogatories that 7 my firm issued to the defendants in this case. 8 And this had been marked as P-2, if you could 9 look at the whole document, I am skipping to 10 the interrogatory section but feel free to look 11 to the beginning, first few pages if you like, 12 they are basically instructions for answering 13 interrogatories. 14 A. Okay. 15 Q. Have you seen those before? 16 A. Yes. 17 Q. Marked as P-3 is a copy of what is 18 titled defendants answers to plaintiffs' 19 interrogatories, and this I will represent to 20 you is produced by your counsel, Mr. 21 Lichtenstein, who is here, and I am going to 22 hand this to you and ask you to kind of look 23 through that for a second. 24 A. Yes.	8

Pages 9 to 12

	9	11
1 Q. Have you seen these answers before?	1 the date on page --	
2 A. Yes. If I may add, though, it was a	2 A. Which document are we looking at?	
3 little over a year ago so I apologize it is not	3 Q. I am looking at your certification to	
4 necessarily fresh.	4 the interrogatories.	
5 Q. Absolutely. If you look at, it looks	5 A. That would be P-2, P-3?	
6 like page 3 of defendant's answers to	6 Q. P-3, yes. Is that your handwriting?	
7 plaintiff's initial interrogatories, there is a	7 MR. LICHTENSTEIN: There are two	
8 certification. Is that your signature on that	8 certifications.	
9 certification on page 3 of Exhibit P-3?	9 THE WITNESS: This one here?	
10 A. Yes, it is.	10 MR. LICHTENSTEIN: NO, this one is	
11 Q. On page 4 of Exhibit P-3 there is what	11 the certification for the	
12 is called an interrogatory certification, and	12 interrogatories.	
13 is that your signature on page 4 of Exhibit	13 BY MR. SWARTZ:	
14 P-3?	14 Q. Is that the date you would have signed	
15 A. Yes, it is.	15 the interrogatories?	
16 Q. With respect to the actual answers to	16 A. Yes.	
17 interrogatories that is all contained on page 2	17 Q. So it has been a year and a couple of	
18 and solely page 2 of Exhibit P-3; is that	18 months. So I just want to make sure, I am not	
19 correct?	19 asking you to use your memory, that is why I am	
20 A. Say that again, please.	20 putting this in front of you.	
21 Q. The actual answers to the	21 My first question to you is,	
22 interrogatories, to plaintiff's	22 interrogatory number 1 E asks you to describe	
23 interrogatories, the answers themselves are	23 the method or system that the defendant uses or	
24 contained on page 2 and only page 2 of Exhibit	24 used to track the number of hours the	
	10	12
1 P-3, correct?	1 individual has worked for defendant during each	
2 A. Yes, sir.	2 and every work week that the individual has	
3 Q. If you turn to P-2, if you turn to the	3 performed any service for defendant or admit	
4 second to the last page of P-2, you will see	4 that no such method or system was implemented.	
5 the interrogatories, do you see that?	5 Just for the record, we were talking as it was	
6 A. Yes.	6 defined earlier we were talking about throwers,	
7 Q. I am just going to ask you just to	7 correct, people that collect trash and haul	
8 confirm one or two things in here so you can	8 trash; is that correct?	
9 look at them side by side. You see how, let's	9 A. Yes, we are talking about throwers.	
10 put for the sake of ease of the transcript,	10 Q. I think that was a term you used in	
11 let's put the interrogatories on the left and	11 your answers to interrogatories, you defined	
12 the answers on the right, can you do that?	12 them as throwers. Your answer to interrogatory	
13 A. What are the answers, here, P-3?	13 number 1 E says see response to "D" above. And	
14 Q. Yes, P-3, page 2.	14 then it continues, South Jersey Sanitation does	
15 MR. LICHTENSTEIN: Got your glasses	15 not keep records of the specific hours actually	
16 on?	16 worked by employees in the thrower	
17 THE WITNESS: I do. I am glad I	17 classification. Do you see that?	
18 brought them.	18 A. Yes, I do.	
19 BY MR. SWARTZ:	19 Q. First of all, I assume that was	
20 Q. Now, I just want to confirm that this	20 accurate at the time you signed this, correct?	
21 is still accurate because like you said you	21 A. Yes.	
22 signed this a year ago, a little over a year	22 Q. Is that still accurate today?	
23 ago. It looks like you verified your answers	23 A. It is, and there is a reason for that.	
24 on September 6, 2011, is that your handwriting,	24 Q. Okay.	

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1 A. We were involved in litigation with a 2 union, and I was, if I say this word right, 3 precluded, I was not allowed to change the 4 method which I paid my employees due to the 5 union rules or the rules when you are under a 6 petition. Subsequent to that the union just 7 recently had a withdrawal and now we, you know, 8 we are formulating under guidance of counsel 9 what we may do with this. 10 And to further the answer, the method 11 by which we pay the employees is in my 12 estimation fair as to -- they won't make any 13 money if we pay them a straight hourly wage at 14 minimum wage due to seasonality, they are not 15 getting enough hours. If they only work a day 16 or two they are not over 40 hours, so they make 17 a \$56 pay check or so, that is not enough to 18 provide a living wage. 19 So we do this in such a manner that we 20 can make sure they have a living wage 21 throughout the year and also that -- pardon me, 22 I lost my train of thought. 23 MR. LICHTENSTEIN: I think you 24 answered the question though, and off	13 1 A. They are the gentlemen or ladies as the 2 case may be that work on the back of the 3 garbage truck, and they pick up the trash can 4 from the curb and they deposit the contents of 5 the container into the back of the truck. Or 6 in many cases they throw it into the back of 7 the truck and hence the term thrower. 8 I've contacted wage and hour one time 9 to ask them if I could pay day rate and I was 10 advised that I could. And I calculated that 11 minimum wage and an incentive base allowing for 12 a couple hours of overtime a day, over 40, but 13 I still compensate the guy. If you work one 14 day I still pay you a full day rate, which is 15 more than I should, but I still do it just 16 because I think it is fair. 17 If I put you on a route that is a short 18 route, that is not your fault I put you on a 19 short route, but you are entitled to make money 20 so you come to work for me and so you can also 21 feed your family. 22 So I calculated this rate that would 23 factor in a certain amount of overtime hours in 24 the event they work them, and they don't work	15
1 the record. 2 (Whereupon a discussion was held 3 off the record.) 4 THE WITNESS: The vast majority of 5 my employees knowing what this lawsuit 6 is, and they may have to go to straight 7 hourly wage are completely against it. 8 They have come to me en masse and they 9 want the hourly wage because in their 10 belief they won't make as much money as 11 they do under my system. 12 BY MR. SWARTZ: 13 Q. Do you think in some weeks they might 14 make more? 15 A. No. 16 Q. Not even on an hourly basis? 17 A. No. 18 Q. Explain your system then for 19 compensating these throwers we are talking 20 about. Why don't you just for the record 21 describe what a thrower is? You sort of 22 defined it in your answers to interrogatories, 23 but for the record, for this transcript what is 24 a thrower?	14 1 them and they still get paid whether they work 2 them or not, in which case to me it is an 3 incentive for them to work quicker, get done 4 work in an efficient manner, if that is the 5 right word I want to use. 6 Q. So this day rate, you are saying that 7 it is not just a daily rate but it is a day 8 rate that in a sense compensates them for a 9 certain number of straight time hours plus, did 10 you say two hours of overtime or did you not 11 say, I may be remembering from your answers to 12 interrogatories? 13 A. If you were to work an entire week, 14 whether you work those two hours or not, 15 whatever those hours are and it puts you over 16 40 hours you are entitled to X number of 17 dollars. 18 Q. I'm sorry, I apologize, you are 19 entitled to what, under your policy, your daily 20 rate, what do you mean you are entitled to? 21 A. I feel you come to work and if you 22 don't work 40 hours you are not entitled 23 overtime, but if you still come to work that is 24 two or three days a week that you chose to come	16

1 in you still need to make a certain, in my 2 estimation you still need to make a certain 3 number of dollars that you can take care of 4 your family and do whatever you need to do. 5 So you are entitled to that complete 6 day rate whether you do work overtime or not. 7 Q. So a thrower who works 10 hour days 8 five days a week, they work 50 hours, you pay 9 them their daily rate the same as if that 10 thrower worked eight hour days five days a 11 week, 40 hours or if the person works seven 12 hour days five days a week, 35 hours; is that 13 right? 14 MR. LICHTENSTEIN: I am going to 15 object the form of the question. 16 MR. SWARTZ: Maybe it is a little 17 confusing. 18 BY MR. SWARTZ: 19 Q. What is a typical day rate, what is a 20 starting day rate? 21 A. 90 to \$100 a day. I mean, it has 22 changed, it has evolved over the years, and 23 again I was because of the NLRB issue I 24 couldn't do anything different than what I did	17 1 A. That is where most guys are. Some guys 2 make a little more. 3 Q. Does anybody make \$80 a day? 4 A. No. 5 Q. How about 85? 6 A. I don't think so. And, again, a brand 7 new guy may, he wouldn't work a full week 8 because he is brand new. 9 Q. People who work full weeks would be 10 making 90 to 100? 11 A. Yes, and more to the 100 and some make 12 105, some make 110. 13 Q. So for ease of math we use a hundred? 14 A. That is a fair median. 15 Q. And a full week is five days a week or 16 six days a week, what is a typical full week? 17 A. A full week is five days. Some guys 18 can work six days if they want. There is some 19 Saturday work and some guys want it because 20 they want to make that extra money. 21 Q. Just so I understand -- 22 A. It is also not a full day, Saturday is 23 very short, most guys, it is over by like 12 24 o'clock, 1 o'clock.	19
1 prior to the case with the union being raised, 2 so let's just deal with most guys make \$100 a 3 day. 4 Q. I will use that number in a second, but 5 you mentioned the NLRB again. Did the throwers 6 petition to be unionized or was it just the 7 drivers? 8 A. The throwers petitioned but the 9 throwers were going to be a part of it. The 10 throwers were given union cards to sign if they 11 so chose. 12 Q. Did they sign the cards? 13 A. I don't know who signed cards and who 14 didn't. 15 Q. So it is your understanding -- 16 A. I am not privy to that information. 17 Q. It is your understanding that the 18 throwers would have been included in the 19 collective bargaining agreement with the 20 drivers? 21 A. They would have been, yes. 22 Q. So using \$100 a day as a daily rate, 23 would that be in the high end for your 24 throwers?	18 1 Q. The day starts approximately 4:30 a.m.? 2 A. No, they don't start until about 6 or 3 6:30. 4 Q. Who is they, the throwers? 5 A. The throwers, that is who we are 6 talking about. 7 Q. When do the trucks leave? 8 A. The drivers come in at 5 a.m. and they 9 leave anywhere between -- they normally leave 10 about 5:30 by the time they check in, inspect 11 the vehicle, do the stuff they need to do by 12 New Jersey DOT requirements, and then they will 13 go and pick up their throwers. 14 We provide a gratuitous ride to the job 15 site for the throwers. Most of them do not 16 have transportation so we pick them up, in many 17 cases we pick them up right where they need to 18 work. We go to their homes to pick them up and 19 bring them home at the end of the day. We 20 provide transportation to and from the job 21 site. 22 Q. Where is your location where the trucks 23 are in the morning? 24 A. Hammonton.	20

	21	23
<p>1 Q. That is where the drivers report, five 2 or so every morning?</p> <p>3 A. Yes, sir.</p> <p>4 Q. The drivers leave around 5:30?</p> <p>5 A. Yes, sir.</p> <p>6 Q. From the Hammonton headquarters, and I 7 call it headquarters?</p> <p>8 A. For lack of a better word.</p> <p>9 Q. Is there another location that the 10 company has?</p> <p>11 A. No.</p> <p>12 Q. Do any throwers show up at Hammonton 13 headquarters or the Hammonton location?</p> <p>14 A. Some do.</p> <p>15 Q. And then leave with the drivers at 16 5:30?</p> <p>17 A. Yes, if that is what they choose to do, 18 yeah.</p> <p>19 Q. Approximately when do the drivers 20 return?</p> <p>21 A. It would depend on the route. 22 Sometimes it is 2 in the afternoon, sometimes 23 it is 5 in the afternoon. For the most part 24 they are home by 5. Again, if a truck breaks</p>	<p>1 be on your left, and then your answer to 2 interrogatory 1 D, which would be on your 3 right, on the left again is P-2 and the right 4 is P-3, just for the record.</p> <p>5 A. That was 1 D?</p> <p>6 Q. 1 D as in David. That says describe 7 the basis in which defendant compensated the 8 individual, again we are talking about 9 throwers, and if on an hourly basis set forth 10 the hourly rate; if on a daily basis set forth 11 the daily rate, et cetera, and if the basis 12 changed at any time during the relevant period 13 set forth when and how it changed.</p> <p>14 And your answer says, all individuals 15 in the "throwers" job classification are 16 compensated on a daily rate basis. The daily 17 rate is based upon a formula which assumes that 18 throwers may work up to 10 hours per day. This 19 formula is calculated using the then in effect 20 minimum wage and upon the assumption that the 21 employee will be paid for eight hours at the 22 regular time (minimum wage) and two hours at an 23 overtime rate, (1.5 times the minimum wage) 24 together with a daily incentive amount.</p>	
<p>1 down, you know, they could be a little later 2 depending upon the break down, how long it 3 takes to get the truck fixed.</p> <p>4 Q. For the drivers you do keep track of 5 their hours, correct?</p> <p>6 A. Yes, sir.</p> <p>7 Q. They clock in and clock out, the 8 drivers?</p> <p>9 A. Yes, they do. And one of the reasons 10 that throwers don't is because they don't come 11 to the yard for the most part, they are not 12 there to clock in and out.</p> <p>13 Q. If a thrower works, who is making \$100 14 a day, they work five days they get 500 bucks, 15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And if they work a sixth day, they come 18 in on Saturday, they make another \$100 or \$600; 19 is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. I don't want to put words in your 22 mouth, I want to make sure I understood your 23 answers to interrogatories. Can you please 24 look at interrogatory number 1 D, which should</p>	<p>22</p> <p>1 Employees in the thrower job classification are 2 paid the full day rate regardless of how many 3 hours they work. For example, if a thrower 4 completes his route in five hours he is still 5 paid the full daily rate.</p> <p>6 I assume this was accurate at the time 7 you completed these interrogatories back in 8 September 2011?</p> <p>9 A. Yes.</p> <p>10 Q. Is this still accurate as of today, 11 November 9, 2012?</p> <p>12 A. I do believe I answered that question 13 already, but I will answer it again, yes.</p> <p>14 Q. I'm sorry, I know you said that you 15 didn't want to change anything, I want to make 16 sure it was still accurate today?</p> <p>17 A. Again --</p> <p>18 MR. LICHTENSTEIN: You answered the 19 question. Next question.</p> <p>20 BY MR. SWARTZ:</p> <p>21 Q. So in a sense, someone who makes a 22 hundred dollars a day rate you are paying them 23 eight hours a day minimum wage or eight times 24 7.25, which I will represent to you is \$290 if</p>	24

1 it is five days, \$290 a week, plus another, you 2 are assuming, you want to make sure they get 3 paid overtime, so you are paying them in a 4 sense ahead two hours a day or during the 5 course of a five day week, 10 hours of overtime 6 at time and a half minimum wage? 7 A. I was advised by my accountant that I 8 am allowed to pay as much over as I like. If I 9 want to compensate you more than what you have 10 coming I am allowed to do that as long as I 11 don't -- as long as I make sure you get the 12 minimum amount you are suppose to get. 13 So whatever we choose to call it, 14 whether it is overtime on a single day or two 15 hours we choose to call it incentive if you 16 don't work a full week to put you over 40, I am 17 certainly in my right to do that, and I am not 18 getting any complaint from my throwers because 19 they are quite happy they are getting paid more 20 than a minimum wage for X number of hours. 21 Q. If a thrower works five days, five 10 22 hour days you are paying him -- 50 hours of 23 work you are paying him for 40 hours of minimum 24 wage, 10 hours at time and a half minimum wage	25 1 hours, 10 hours of time and a half minimum wage 2 and then whatever that difference is between 3 what they actually get is the incentive? 4 A. What I call incentive. I have to call 5 it something. And, again, for the guy and 6 there are many of them that don't work a full 7 week, that don't work five days that work three 8 days and are not over 40 hours, but you still 9 require people to come to work those days, and 10 there are people that only want to work three 11 days, I do not understand that, but that is 12 what they want to do, and we still need them. 13 So for me I want to make sure they come 14 to work so I pay them more than what they would 15 be required to get under federal guidelines of 16 minimum wage, but I still need them to come in, 17 and I am happy with it and they are happy with 18 it. 19 Q. Scheduling, who does the scheduling at 20 South Jersey Sanitation? 21 A. I do along with a supervisor of mine 22 named Edwin Morales. 23 Q. Do the thrower's schedule change week 24 to week or is it pretty constant?	27
26 1 plus whatever the differential is between 2 whatever those two numbers add up to, and I 3 will represent they add to just under \$400 a 4 week. If they are making \$100 a day you are, 5 in fact, paying them \$500 a week? 6 A. Right. At that point it is an 7 incentive to them because I want the throwers 8 to -- first of all, they need to make a decent 9 wage, it is an unskilled job, but it still is a 10 necessary job, and I need them to come in the 11 community they work for, need them to do the 12 job, but also in my estimation I need to make 13 sure they walk out of my place with money they 14 can live on. 15 That is how we calculated this whole 16 thing. Rephrase, that is how I calculated the 17 whole thing. I do have a bad habit of talking 18 about myself in the third person sometimes. 19 Q. Is that what you mean by the daily 20 incentive amount in your answer to 21 interrogatory number 1 D; in other words, the 22 daily incentive amount is the difference 23 between minimum wage for 40 hours, let's say a 24 the work week of 50 hours, minimum wage for 40	26 1 A. It is a very transient work force. I 2 am really never sure until the drivers tell me 3 who they picked up who is working that day or 4 not. We have a schedule based upon what we 5 think or who we think is going to come in and 6 go to work that day, but it is a work in 7 progress. 8 Q. There are certain employees in this 9 lawsuit have been with you for years? 10 A. Some. 11 Q. How do they know what schedule they are 12 working? 13 A. For the most part they are on the 14 schedule where they have been, especially 15 certain guys who have been with me for a long 16 time they know where they are going to go 17 because that is their route. 18 What will happen is when routes will 19 change if we show up and no one is at a site 20 where we thought they were going to be, we will 21 drive people out there. 22 We have a lot of people who come in 23 knowing they are not necessarily going to work, 24 they are there to fill in. If there is someone	28

29	31
<p>1 that is missing and there is an open spot the 2 guys will take that day.</p> <p>3 Q. These schedules, are they computer 4 based or on paper?</p> <p>5 A. They are on paper.</p> <p>6 Q. This is done every week?</p> <p>7 A. Every evening.</p> <p>8 Q. Is it for a week at a time or just the 9 next day at a time?</p> <p>10 A. We live one day at a time.</p> <p>11 Q. Does the schedules have the name of the 12 thrower on it and on what truck they are 13 driving?</p> <p>14 A. Yes.</p> <p>15 Q. So would it list a thrower's name and a 16 truck number or would it list like the 17 thrower's name and the driver number?</p> <p>18 A. It would list the job where they are suppose to work, the driver who is going to be their driver, the truck number and the throwers' names underneath that?</p> <p>22 Q. Throwers you said plural so there are 23 two throwers on each truck?</p> <p>24 A. It depends. Sometimes they are,</p>	<p>1 we do it via computer so when we have to make 2 changes. The schedule is made the night 3 before. When the next day certain throwers or 4 drivers don't come in it is just easier to make 5 those changes on the schedule so we can work 6 off of that to do payroll and know who is 7 where.</p> <p>8 When we get complaints from the 9 municipalities we service we need to know who 10 we have to contact, who the driver is, what 11 truck it is, and that schedule now winds up 12 getting fixed in the morning, now it is 100 13 percent accurate to really drivers and where 14 they are so you can contact the right driver 15 and say, you know, you missed Mrs. Brown on 16 13th Street, please go back and pick up her 17 trash or recycling.</p> <p>18 Q. So it is basically in some kind of 19 computer software program, the schedules, and 20 you kind of edit it each day?</p> <p>21 A. It is in an Excel program. It is nothing that fancy that it is a software program.</p> <p>22 Q. You type in the names and you print it</p> <p>1 sometimes they are not.</p> <p>2 Q. It is never three, it is one or two, 3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. Are these schedules posted at 6 headquarters?</p> <p>7 A. The schedules are posted for the drivers so they know who they are picking up. The throwers know where they are going based upon the routes they have been on, and let's just say thrower A, he has been with me for a couple of years, his route is his route.</p> <p>13 He knows where he is going to go and he 14 knows what truck he is going to pick up for the 15 most part and who the driver is because it is 16 the driver's route provided the driver comes 17 in.</p> <p>18 If the driver doesn't come in then we 19 have to send somebody else, and again the 20 throwers are normally picked up at his house and he knows where he is going to go.</p> <p>22 Q. Do you do these schedules by hand or do 23 you do it on a computer?</p> <p>24 A. Well, they are on paper, but it is in,</p> <p>1 out or do you hand write in the names?</p> <p>2 A. No, they are typed in.</p> <p>3 Q. Each day do you do a new schedule and 4 you keep both schedules in case you need to 5 look at them?</p> <p>6 A. You would go back to the previous 7 week's schedule. Today is Monday, no, I am 8 sorry, today is Friday, when we made the 9 schedule for today last evening we would look 10 back and see what we did last Friday and 11 because, you know, the drivers are in the same 12 place for the most part, the thrower, that 13 thrower A I referred to earlier, he is in the 14 same place so they know where they are.</p> <p>15 Q. So where would you find last week's 16 schedule?</p> <p>17 A. It would just be posted under Friday.</p> <p>18 Q. So saved, each day's schedule is saved 19 on a hard drive somewhere?</p> <p>20 A. Yes. It is only saved for a week because it will change. Today we would change the Friday schedule upon who came in today as to accuracy so we could pay the throwers off of that. So last week's schedule Friday is now</p>
30	32

<p>33</p> <p>1 gone.</p> <p>2 Q. If you needed to know who is on a</p> <p>3 particular route on a particular day, say a</p> <p>4 month or so ago, how would you know that?</p> <p>5 A. I would look back to those schedules</p> <p>6 that were then printed on paper.</p> <p>7 Q. I see. So you have the hard copies,</p> <p>8 you save the hard copies of the schedules, it</p> <p>9 is only the Excel document that you only save</p> <p>10 for a week or you type over it in a week?</p> <p>11 A. That's right.</p> <p>12 Q. But you have hard copies of schedules</p> <p>13 going back years?</p> <p>14 A. I don't know if years is accurate, but</p> <p>15 for a certain finite period of time, yes.</p> <p>16 Q. Approximately how long?</p> <p>17 A. I am not sure.</p> <p>18 Q. At least into 2011, do you have all for</p> <p>19 2012?</p> <p>20 A. I would say for all of 2012 and I would</p> <p>21 imagine 2011. I would have to check.</p> <p>22 Q. What are these schedules called, just</p> <p>23 schedules?</p> <p>24 A. Schedules.</p>	<p>35</p> <p>1 Q. You mentioned that your accountant said</p> <p>2 you could pay, I guess, on a daily rate that</p> <p>3 you can do, is it your accountant that told you</p> <p>4 you can do that?</p> <p>5 A. Wage and hour, the Department of Labor</p> <p>6 said we can pay on a day rate. My accountant</p> <p>7 said I could pay more if I wanted to, I could</p> <p>8 over compensate an employee if I wanted to.</p> <p>9 Q. Was your inquiry with wage and hour was</p> <p>10 that telephonically, was that in person, was</p> <p>11 that by letter?</p> <p>12 A. It was by telephone.</p> <p>13 Q. Do you remember with whom you spoke?</p> <p>14 A. No, I do not.</p> <p>15 Q. Do you remember when the call was made?</p> <p>16 A. I would say -- it was actually made</p> <p>17 twice. It was made many years ago when I</p> <p>18 developed this, and it was made again about the</p> <p>19 time you filed your lawsuit.</p> <p>20 Q. In response to my lawsuit?</p> <p>21 A. Just to be certain that we were doing</p> <p>22 the right thing, that it was okay.</p> <p>23 Q. Did you call the wage and hour in</p> <p>24 Trenton or somewhere else?</p>
<p>34</p> <p>1 Q. Is there something called a secondary</p> <p>2 sheet or is this the secondary sheet?</p> <p>3 A. There is what I call the second sheet,</p> <p>4 which is a list of moves we would make based</p> <p>5 upon personnel not coming in.</p> <p>6 That if driver number 1 didn't come in</p> <p>7 we would maybe take a guy from the shop who has</p> <p>8 a CDL. If driver number 2 didn't come in then</p> <p>9 there would be another option that we would</p> <p>10 utilize. If driver number 3 didn't come in now</p> <p>11 your choices are getting slimmer, but the trash</p> <p>12 has to get picked up so there is another move.</p> <p>13 Q. You keep the secondary sheets for the</p> <p>14 same amount of time you keep the regular</p> <p>15 schedule?</p> <p>16 A. Yeah, they are together.</p> <p>17 Q. That is in hard copy, electronic or</p> <p>18 both?</p> <p>19 A. That is in electronic, but, again, only</p> <p>20 lasts for a week because it changes, and it is</p> <p>21 also in hard copy.</p> <p>22 Q. That you keep?</p> <p>23 A. For however long I keep the schedules</p> <p>24 the second sheet is put to that.</p>	<p>36</p> <p>1 A. I believe it was Trenton.</p> <p>2 Q. Did you identify yourself when you</p> <p>3 called?</p> <p>4 A. No.</p> <p>5 Q. Just an anonymous call?</p> <p>6 A. Why go looking for trouble.</p> <p>7 Q. I am just asking.</p> <p>8 A. I did not say I am Anthony from South</p> <p>9 Jersey Sanitation, no. I said I am an employer</p> <p>10 and I have a question, and may I pay my</p> <p>11 employees day rate, and the response I got was</p> <p>12 yes.</p> <p>13 Q. Did they say anything about what if</p> <p>14 they work over 40 hours in a week, did that</p> <p>15 discussion come up?</p> <p>16 A. It did not.</p> <p>17 Q. So you didn't raise it neither did the</p> <p>18 Department of Labor, correct?</p> <p>19 A. I did not raise it and neither did</p> <p>20 they. I apologize, I do not have the person's</p> <p>21 name of whom I spoke with.</p> <p>22 Q. Did you call from work?</p> <p>23 A. Actually I believe the call was placed</p> <p>24 from my accountant's office.</p>

37	39
<p>1 Q. Who is your accountant?</p> <p>2 A. Richard Malecish. That is</p> <p>3 M-A-L-E-C-I-S-H.</p> <p>4 Q. Was it made from his office line?</p> <p>5 A. Yes, and I believe I made the call.</p> <p>6 Q. By the way, just so I understand the</p> <p>7 business, when the trucks return to Hamilton --</p> <p>8 Hammonton, sorry, Hammonton, that is down South</p> <p>9 Jersey, further south, Hammonton, versus</p> <p>10 Hamilton?</p> <p>11 A. Well, there are two Hamiltons, one is</p> <p>12 in Trenton and one is in Mays Landing, but</p> <p>13 Hammonton is Exhibit 28 on the Atlantic City</p> <p>14 Expressway for clarity sake.</p> <p>15 Q. When the trucks return do they return</p> <p>16 with the garbage or do they go dump the garbage</p> <p>17 somewhere first?</p> <p>18 A. That would depend. If the truck is</p> <p>19 full they would go dump first, the thrower's</p> <p>20 day is done.</p> <p>21 Q. So is the thrower's day done before or</p> <p>22 after the truck dumps?</p> <p>23 A. The throwers day is done when the last</p> <p>24 bag is put in the truck. The thrower may do</p>	<p>1 is full, you dump the trash somewhere, correct,</p> <p>2 you empty the truck?</p> <p>3 A. Yes.</p> <p>4 Q. Where does the truck get emptied?</p> <p>5 A. It depends on where the trash is picked</p> <p>6 up from, there are many dump sites.</p> <p>7 Q. Give me the dump sites?</p> <p>8 A. We are currently in Cherry Hill, I</p> <p>9 would dump at the Camden incinerator on Morgan</p> <p>10 Boulevard off of 676, that is the designated</p> <p>11 site for Camden County municipal trash. If I</p> <p>12 pick up in Cumberland County, the City of</p> <p>13 Vineland, the designated site is the Cumberland</p> <p>14 County Improvement Authority right outside of</p> <p>15 Vineland. Each county has its own disposal</p> <p>16 site.</p> <p>17 Q. So how many different counties are you</p> <p>18 in?</p> <p>19 A. Clarify, just municipal where there</p> <p>20 would be throwers involved?</p> <p>21 Q. Yeah.</p> <p>22 A. Okay. Four.</p> <p>23 Q. Are there counties that you are in, I</p> <p>24 think there was confusion before, and I think</p>
38	40
<p>1 whatever he wants, in many cases they will take</p> <p>2 a bus home because they don't want to wait or</p> <p>3 in some cases we will drive them home after we</p> <p>4 dump the truck.</p> <p>5 If the truck is only partially loaded</p> <p>6 but going back to the same municipality the</p> <p>7 next day they may come right back to Hammonton</p> <p>8 and not go to the dump.</p> <p>9 Q. If a thrower returns to Hammonton with</p> <p>10 the truck that occurs I assume; is that</p> <p>11 correct?</p> <p>12 A. Sometimes not all throwers return to</p> <p>13 Hammonton. Some throwers, I work in Vineland,</p> <p>14 some throwers we pick them up in Vineland so</p> <p>15 they don't come to Hammonton, they never come</p> <p>16 to Hammonton, they get picked up in Vineland.</p> <p>17 They go to work and they get dropped off at</p> <p>18 home in Vineland.</p> <p>19 Q. If they are on a truck that has to do</p> <p>20 the drop off in the dumping area, where is the</p> <p>21 area where the truck actually dumps the trash</p> <p>22 once it is full, what do you call that?</p> <p>23 A. I am not sure I understand that.</p> <p>24 Q. A truck is full, end of the day a truck</p>	<p>1 you answered or addressed this issue before but</p> <p>2 let me just clarify. You don't have any</p> <p>3 employees in Pennsylvania; is that correct?</p> <p>4 A. That is correct.</p> <p>5 Q. Do you perform any services in</p> <p>6 Pennsylvania?</p> <p>7 A. I do not.</p> <p>8 Q. Your trucks don't go to Pennsylvania?</p> <p>9 A. I am a Jersey boy, my friend.</p> <p>10 Q. Trucks stay here?</p> <p>11 A. Yes, sir.</p> <p>12 Q. How about New York, I didn't ask about</p> <p>13 that, but do you have employees in New York?</p> <p>14 A. No.</p> <p>15 Q. Do your trucks ever go to New York?</p> <p>16 A. I would be terrified to go to New York.</p> <p>17 MR. LICHTENSTEIN: That is a no,</p> <p>18 right?</p> <p>19 THE WITNESS: That is a no.</p> <p>20 BY MR. SWARTZ:</p> <p>21 Q. Other than Jersey, do your trucks go</p> <p>22 anywhere else?</p> <p>23 A. No.</p> <p>24 Q. I would like to take a two minute</p>

41	43
<p>1 break, I may be done.</p> <p>2 (Whereupon a short recess was</p> <p>3 taken.)</p> <p>4 BY MR. SWARTZ:</p> <p>5 Q. How do you know how many days to pay</p> <p>6 each thrower each week?</p> <p>7 A. That would be based off the schedule.</p> <p>8 Q. What if there is a thrower, I assume</p> <p>9 throwers are no shows just like drivers are</p> <p>10 sometimes no shows, throwers are sometimes no</p> <p>11 shows?</p> <p>12 A. Yes.</p> <p>13 Q. Is it the secondary sheet or the second</p> <p>14 sheet, you say you kind of compare that to the</p> <p>15 schedule to figure out how many days to pay a</p> <p>16 thrower?</p> <p>17 A. Well, we would adjust the schedule.</p> <p>18 Driver A goes to thrower's house, some of these</p> <p>19 guys live together or very near each other and</p> <p>20 the guy that is suppose to be there says he is</p> <p>21 not going, but my friend will go, and they go,</p> <p>22 and we adjust the schedule so we know, and the</p> <p>23 friend normally has worked for us before or his</p> <p>24 cousin, you know, and then we would make the</p>	<p>1 A. The second sheet was created by me so I</p> <p>2 didn't get the 5 o'clock phone call with having</p> <p>3 to make mundane decisions as to what to do. I</p> <p>4 wanted to make it where it was very clear the</p> <p>5 options that we would have on a given day of</p> <p>6 the week.</p> <p>7 Q. When you say 5 o'clock, you mean 5:00</p> <p>8 a.m. phone call?</p> <p>9 A. My supervisor --</p> <p>10 Q. 5:00 a.m.?</p> <p>11 A. Yeah, my supervisor would be starting</p> <p>12 to count heads and see what drivers would come</p> <p>13 in and by 5:30 or 6 o'clock, you give guys time</p> <p>14 to come in, drivers time to show up, flat tire,</p> <p>15 traffic or whatever, and then when you start to</p> <p>16 realize or you get the phone call, ideally you</p> <p>17 would get a phone call saying they are not</p> <p>18 coming in because something happened, and there</p> <p>19 would be a check down list of things to do as I</p> <p>20 described before. If one guy doesn't come in</p> <p>21 we would do A, if the second guy doesn't come</p> <p>22 in we would do B, and there would be a list so</p> <p>23 my people would know what moves to make as far</p> <p>24 as drivers. For instance, if Justin didn't</p>
42	44
<p>1 change on the schedule and at the end of the</p> <p>2 day it is noted that he worked.</p> <p>3 Q. So the printed schedule, you have like</p> <p>4 a cross out and you put somebody else's name if</p> <p>5 somebody didn't show up?</p> <p>6 A. Yeah, then it gets fixed. We put it in</p> <p>7 the computer and the Excel can print it so it</p> <p>8 looks nice so when we try to pay off of the</p> <p>9 sheet that -- we really don't want to skip</p> <p>10 anybody because that, you know, if you work</p> <p>11 your day, you work your three days if you get</p> <p>12 shorted a day come pay day you are not happy,</p> <p>13 and it drives me crazy, Richard, if we make a</p> <p>14 mistake and not pay somebody and miss a day</p> <p>15 because you are counting on that money as an</p> <p>16 employee, and I just don't understand why that</p> <p>17 mistake should ever be made.</p> <p>18 Q. These schedules, and I think you called</p> <p>19 it the second sheets, did the second sheets,</p> <p>20 you mention you use that for the drivers if</p> <p>21 someone doesn't show, do you also use that for</p> <p>22 the throwers? I guess I am a little confused</p> <p>23 if the second sheets relate to throwers as well</p> <p>24 or it just relates to drivers?</p>	<p>1 come in today you handled his deposition, check</p> <p>2 down.</p> <p>3 Q. Okay. That is a DOT checklist I think</p> <p>4 you mentioned?</p> <p>5 A. No, that is that second sheet.</p> <p>6 Q. Right.</p> <p>7 A. If you didn't come in today the young</p> <p>8 lady to your right would handle the deposition,</p> <p>9 that would be the second person who didn't come</p> <p>10 in. I am trying to put this in terms that I</p> <p>11 think you will understand because I think you</p> <p>12 are struggling with this.</p> <p>13 Q. The schedules that you have a year,</p> <p>14 maybe two years, maybe more of, the hard copies</p> <p>15 of, okay?</p> <p>16 A. Yes.</p> <p>17 Q. Where are those schedules kept?</p> <p>18 A. They would be at my office.</p> <p>19 MR. SWARTZ: Russell, I will send</p> <p>20 you a request in writing, but we will</p> <p>21 request copies of the schedules as well</p> <p>22 as the second sheets.</p> <p>23 MR. LICHTENSTEIN: Okay, send me</p> <p>24 something in writing.</p>

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1	BY MR. SWARTZ:	1	five miles an hour, not going 60 miles an hour
2	Q. What percentage of your throwers show	2	down the road.
3	up at Hammonton in the morning? *	3	Q. These trucks, it is mostly residential; is that correct?
4	A. I really couldn't put a number on that.	4	A. Any truck that has a thrower on it is
5	I would just say, if I have to put a number, I	5	residential.
6	would say about 25 percent.	6	
7	Q. How many throwers go out a day, approximately, in a work day, Monday through	7	Q. So your position if the first pick up
8	Friday, not a Saturday?	8	is 798 street XYZ in town anywhere, that the
9		9	throwers work doesn't begin until he arrives at
10	A. I understand. About 40.	10	that location and gets off the truck to pick up
11	Q. About 40 throwers?	11	the first piece of trash; is that correct?
12	A. Uh-huh.	12	A. That is correct.
13	Q. So about 10 or so show up at Hammonton?	13	Q. If the last piece of trash hauled by
14	A. I would say that, yeah.	14	the thrower is another location in town
15	Q. And about how many get dropped off at Hammonton at the end of the day, about 10?	15	anywhere, a resident's home, that once he
16		16	finishes that last piece of trash the thrower
17	A. No, well, it depends. Some get picked	17	is done?
18	up at Hammonton so they still would get dropped	18	A. His work day is complete, yes, sir.
19	off at Hammonton, at their home, not my yard.	19	Q. The typical truck, how big of a
20	Q. So those that get picked up at Hammonton would get dropped off in Hammonton	20	location does it cover in a day; in other
21	but not necessarily at your yard?	21	words, is it a block, is it a town, is it a
22		22	couple towns?
23	A. The guys who chose to come to the yard	23	A. It depends upon the size of the
24	would get dropped off at the yard. The guys	24	demographics of the individual town. All towns
	46		48
1	who we picked up at their home in Hammonton	1	are different.
2	would get dropped off at their home should they	2	Q. So because you consider the work day to
3	choose.	3	start and end where the first pick up of trash,
4	Many times if they are going by a	4	is that why you don't keep track of the hours
5	Walmart they want to get dropped off, they go	5	they work or at least is that why you initially
6	by a restaurant, they want to get dropped off,	6	not began keeping track of the hours they
7	they want to get dropped off in the center of	7	worked?
8	town, we do what they ask. If you get picked	8	A. I think I answered this earlier. Since
9	up in Vineland you get dropped off in Vineland.	9	they don't come to the yard there is no way to
10	Q. If a thrower shows up at Hammonton is it your position that he is not really working	10	punch them in and out, they are not there. So
11	until he actually shows up to pick up the first	11	that is why we do it the way we do it.
12	piece of trash? I am not sure if that is your	12	Q. The yard is in Hammonton and do you
13	position or not.	13	actually pick up trash in Hammonton?
14		14	A. Residentially?
15	A. That is my position. We are providing	15	Q. Yeah.
16	transportation to their job site. They are on	16	A. No.
17	the truck, they are sleeping in most regards	17	Q. What are, just very briefly, the
18	until they get to where they are going to work.	18	surrounding counties that you pick up trash in
19	Q. So they are inside the truck?	19	the surrounding Hammonton?
20	A. They are inside the truck. I wouldn't	20	MR. LICHTENSTEIN: Hammonton is not
21	let them be outside, that would be dangerous.	21	a county.
22	Q. They drive outside of the truck all the	22	BY MR. SWARTZ:
23	time to pick up the trash?	23	Q. What county is Hammonton in?
24	A. Only going from point A to point B at	24	A. Atlantic.

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1 Q. Do you pick up any trash in Atlantic
 2 County?
 3 A. Residentially?
 4 Q. Yes.
 5 A. No.
 6 Q. What is the nearest county in which you
 7 pick up trash?
 8 A. Camden, Burlington, Cumberland.
 9 Q. The distance between Hammonton and
 10 those locations, approximately?
 11 A. Camden County is a big county, Richard.
 12 Q. So you pick it up throughout Camden
 13 County?
 14 A. Different municipalities in Camden
 15 County.
 16 Q. I have no further questions, thank you
 17 for your time.
 18 -----
 19 (Witness excused.)
 20 (Deposition concluded at 2:56 p.m.)

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1 CERTIFICATION
 2
 3 I, Linda A. Ricciardi, hereby
 4 certify that the foregoing is a true and
 5 accurate transcript of the deposition of
 6 ANTHONY COLASURDO, who was first sworn by me at
 7 the time, place and on the date herein before
 8 set forth.
 9 I further certify that I am
 10 neither attorney nor counsel for, not related
 11 to or employed by any of the parties to the
 12 action in which this deposition was taken;
 13 further, that I am not a relative or employee
 14 of any attorney or counsel employed in this
 15 case, nor am I financially interested in this
 16 action.
 17
 18
 19
 20
 21
 22 Linda A. Ricciardi
 23 Court Reporter and Notary Public
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